

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 109

Criminal Revision No.1787 of 2022 (O & M)

Date of Decision: *February 21, 2023*

Prashotam Mehta

..... PETITIONER(S)

VERSUS

Bhavesh Chawla & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Randeep Singh, Advocate, for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

Delay condoned.

This is a petition for setting aside order dated 08.04.2022 passed by the Additional Sessions Judge, Panipat, whereby the petitioner-complainant's application under Section 319 Cr.P.C. to summon respondent Nos.1 and 2, husband and mother-in-law of the deceased, as additional accused has been dismissed.

2. As per the allegations levelled in the FIR, deceased's marriage was solemnized on 16.02.2010. Her father-in-law/accused used to sexually harass her. About two days prior to lodging of the FIR, she was again harassed by him, and she had informed about it to her family also. The only allegation against the husband and mother-in-law in the FIR was that

they had made her life miserable, and that, she was scared of those people.

The allegations were duly investigation by the police.

3. As per affidavit filed by the Superintendent of Police, Panipat, dated 16.01.2023, after due investigation, wherein both the sides were joined, it was found that the alleged offences are only made out against the deceased's father-in-law. It was found during investigation that earlier also, on 10.09.2017, the deceased had lodged a complaint (Annexure R-6) against father-in-law with similar allegations of sexual harassment and doing obscene acts with her. However, the issue was settled within the family and a compromise was effected between the parties, that has also been placed on record as Annexure R-7.

4. The instant application to summon respondent Nos.1 and 2 as additional accused has been filed on the basis of testimony of the complainant, Annexure P-4, who has merely repeated the allegations levelled by her in the FIR against respondent Nos.1 and 2, that the deceased was being harassed by them for bringing less dowry. It needs to be noticed that the deceased's marriage was solemnized in the year 2010, and never thereafter any complaint regarding the alleged harassment on account of dowry etc. was ever made by her. Besides, To summon an additional accused under Section 319 Cr.PC, stronger evidence than mere probability of one's complicity in the alleged offences must be there. In the instant case, however, there is no material which can even *prima facie* establish complicity of respondent Nos.1 and 2 in the alleged offences. Nor has any fresh evidence come on record which could form a basis for summoning the said respondents as additional accused.

In view thereof, there is no ground to interfere with the
impugned order.

Dismissed.

(Tribhuvan Dahiya)
Judge

February 21, 2023
avin

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No