

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-9691-2021 (O&M)
Date of decision: 15.02.2024**

Sanjana

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Naveen Thakur, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking direction to respondent No. 2-the Director General of Police, Haryana to constitute an SIT for conducting a fair inquiry regarding death of her sister and take appropriate legal action by registering an FIR under Sections 304-B, 302, 506, 201 and 120-B of IPC against respondent Nos. 5 to 9, who are in-laws of her deceased sister.

2. The brief facts of the case as culled out from the petition are that the petitioner and her sister, along with their family, had migrated to Karnal from Bihar and were doing the labourer's work. The marriage of the petitioner's sister, namely Anuradha, was solemnized with respondent No. 5-Anil @ Shetty on 06.05.2019. The family of Anuradha had given an amount of Rs. 1 Lac to the private respondents in marriage but after some time, they started raising demand of a motorcycle and LED TV from her parents and on non-fulfillment of their demand, they started harassing, humiliating and

maltreating Anuradha. They even taunted Anuradha by using derogatory words. She was also extended severe beatings by them. Respondent No. 7, who is the elder brother of Anil @ Shetty, was also having bad eye on her and even had attempted to make physical relation whenever she was alone in the house. Anuradha had told everything to the petitioner. On 24.09.2020, all of them were present at the house of petitioner for attending the birthday party of her son and the private respondents demanded an amount of Rs. 1 Lac from the mother of the petitioner and threatened that otherwise Anuradha would be killed, to which, the petitioner and Anuradha protested but they were insulted by the private respondents. When the private respondents went back to their house along with Anuradha, her mother received a telephonic call from Anuradha that her in-laws were giving beatings to her on account of non-fulfillment of their demand. It has further been alleged that on 25.09.2020 at about 11:00 AM, respondent No. 5-Anil, husband of Anuradha, informed the petitioner's family that Anuradha had committed suicide by hanging herself. The petitioner along with her family reached matrimonial house of Anuradha and they noticed that there was a mark of a rope on Anuradha's neck and it was apparent that she was mercilessly beaten as there were injuries on vital part of her body. They asked to get the postmortem examination conducted on the body of the victim but the private respondents and the Sarpanch of the village refused to do so and by snatching their mobile phones, they did not allow them to make any call and no medical examination of the dead body of the victim was conducted. However, the maternal uncle of the petitioner somehow managed to make a call on 100 number and thereafter, the police reached at the spot but under the influence of the private respondents and

Sarpanch of the village, they refused to get postmortem and medical examination of the dead body conducted. The petitioner had given complaint to the police to register an FIR against the culprits but no action had been taken. Therefore, the petitioner has filed the present petition.

3. Learned counsel for the petitioner has submitted that sister of the petitioner had been subjected to harassment and cruelty on account of demand of dowry by the private respondent and ultimately, she had been murdered by them but despite the said fact and other *prima facie* evidence available, the police had not registered any case nor they got conducted postmortem of the dead body. It is prayed that a direction may be issued to constitute an SIT and investigate the matter.

4. Learned State counsel, on the other hand, has argued that the present petition has been filed on false, baseless and frivolous grounds, thereby concealing the true facts of the case. He has submitted that sister of the petitioner had died a natural death due to sudden heart attack. Her father and even the present petitioner had got recorded their respective statements that Anuradha had died due to heart attack and they did not want any action with regard to death of Anuradha. He has, thus, prayed for dismissal of the present petition.

5. I have heard learned counsel for the parties at length and have also gone through the material placed on record.

6. The allegations as levelled by the petitioner, who is sister of deceased Anuradha, are that her sister had been killed by the private respondents on account of non-fulfillment of their demand of dowry. Respondent-State has filed a status report, a perusal of which, reveals that on

25.09.2020, on receipt of an information regarding death of Anuradha, a police party had gone to village Kaul, where Raman Shah, who is father of deceased Anuradha, got recorded his statement that Anuradha had died due to heart attack. He had verified about her death and did not want to take any legal action against anybody. The statement of Raman Shah was read over to him and after understanding the same, he signed the statement. Even the petitioner, Pinki (mother of Anuradha) and Sunny (maternal uncle of Anuradha) had reiterated the statement of Raman Shah that Anuradha had died due to heart attack. Statements of Raman Shah and the present petitioner are attached with the status report as Annexure R-1/T (colly.). Even the facts regarding death of Anuradha were verified from several villagers, who had also stated that Anuradha had died due to heart attack.

4. It is also revealed that the petitioner had filed a complaint on 05.10.2020 to Superintendent of Police, Kaithal, which was inquired into by Deputy Superintendent of Police but the petitioner, despite being asked by the police, did not join the inquiry. Thereafter, private respondents were joined in the inquiry and finally, it had come on record that Anuradha had died due to heart attack, therefore, the complaint of the petitioner was filed. It is further stated that in fact the dispute was regarding custody of minor son of deceased Anuradha and since the private respondents had refused to give his custody to the petitioner's family, the petitioner and her family had levelled allegations of dowry death against the private respondents.

6. A careful consideration of entire facts and circumstances of the case leads this Court to a conclusion that the police had investigated the matter properly and since it was stated by the father of deceased as well as her

sister i.e. the present petitioner, that Anuradha had died due to heart attack, the postmortem of her body was not conducted. Not only this, even several other persons of the village including Sarpanch of the village were joined in the inquiry and they all stated in one voice that Anuradha had died due to heart attack. This Court finds no reason to disbelieve the extensive inquiry conducted by the police. More so, when the petitioner and her family members themselves had stated before the police that since Anuradha had died due to heart attack, they did not want any action to be taken against anyone, they could not take U turn and level allegations against the police of not conducting the inquiry properly or having hands in glove with the accused persons or having discharged their duty under the pressure of someone. Even the complaint subsequently filed by the petitioner was inquired into by a senior police officer of the rank of Deputy Superintendent of Police, who also concluded that there was no foul play in the death of Anuradha. The petitioner had not even bothered to join said inquiry, despite being called upon to do so. The petitioner has failed to make out any *prima facie* case suggesting that there was any foul play in the death of Anuradha or she was subjected to harassment and cruelty on account of demand of dowry prior to her death.

7. In view of the discussion made above, finding no merit in the present case, the present petition is dismissed.

15.02.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>