

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-5907-2016(O&M)

Date of order: 09.04.2024

Sohan Lal

.....Petitioner(s)

Vs.

State of Haryana & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sukhsandesh Singh Chahal, AAG Punjab.

Nidhi Gupta, J.

CRM-5481-2017

This is an application under Section 482 Cr.P.C. for placing on record copy of complaint and for grant of exemption from filing the certified and typed copy of Annexure P4.

After going through the contents of the application, the same is allowed subject to all just exceptions.

MAIN CASE

Challenge in the present petition is to order dated 07.08.2014 (Annexure P2) passed by learned Judicial Magistrate, 1st Class, Hoshiarpur, whereby complaint filed by the petitioner against respondents No.2 to 7 under Sections 498-A, 406, 500, 504, 506, 323, 341, 342, 34 read with Section 120-B IPC, has been dismissed.

2. At the very outset, it may be noticed that present petition is of the year 2016, however notice has not yet been issued in the matter. In fact, the matter was dismissed for non-prosecution by a Coordinate Bench of this Court vide order dated 02.02.2017. Subsequently, the petition was restored vide order dated 22.02.2017. Thereafter, the matter has been adjourned at request of learned counsel for the petitioner. Even today, a request for adjournment was made before this Court, however, given the above facts, this Court is not inclined to accede to the said request of learned counsel for the petitioner. Furthermore, learned counsel for the petitioner was unable to render any assistance whatsoever to this Court, and could not even correctly inform as to the relationship of respondents No.2 to 7 with the sister of the complainant/petitioner.

3. As such, this Court has perused the case file on its own and following facts come to light. Record bears out that petitioner before this court is the complainant/brother of the alleged victim. Sister of the complainant, namely Pushpa Devi was married to Satnam Singh, who is the brother of respondent no.2. Thus, respondent No.2 is the brother-in-law; respondent No.3 is the sister-in-law/wife of respondent No.2; respondent No.4 is the brother-in-law; respondent No.5 is the sister-in-law/wife of respondent No.4; respondent No.6 is the sister-in-law; and respondent No.7 is the brother-in-law/husband of respondent No.6, of Pushpa Devi.

4. The sister of the petitioner, namely Pushpa Devi was married to Satnam Singh on 22.11.2000. One child was born out of this wedlock on 24.10.2001. Due to matrimonial discord, the parties started

living separately since 2005. The present complaint was filed by the petitioner against the husband; mother-in-law; brother-in-law/respondent No.2; sister-in-law/respondent No.3/wife of respondent No.2; brother-in-law/respondent No.4; sister-in-law/respondent No.5/wife of respondent No.4; sister-in-law/respondent No.6; brother-in-law/respondent No.7/husband of respondent No.6. However, vide the impugned order, the Court has proceeded against only the husband and mother-in-law, excluding the other accused/respondents No.2 to 7 herein. Hence, present petition.

5. Perusal of complaint (Annexure P4) reveals that allegations made therein pertain to harassment for bringing less dowry; that respondent No.6, along with husband and mother-in-law of Pushpa Devi compelled her to check the sex of the fetus when Pushpa Devi was pregnant; allegation of beatings by Satnam Singh (husband) on instigation of respondents No.2 to 7; that respondent No.6, mother-in-law and husband of Pushpa Devi compelled her to abort the child on discovering that it is a female child and tried to administer medicine to her; and that on refusal to take medicine, Pushpa Devi was given merciless beatings on the abdomen by her husband and mother-in-law; that nobody came to see the child even after two months of delivery; that physical and mental harassment was meted out by respondents No.2 to 7; that respondents No.6 and 7 abetted husband of Pushpa Devi to give divorce to her; that Rs.1 lakh was given to the husband of Pushpa Devi by her father in the presence of respondents No.6 and 7; that on 02.04.2005, husband, respondents

No.2, 3, 4 and 5 gave beatings to Pushpa Devi at the behest of her mother-in-law.

6. Vide order dated 07.08.2014 (Annexure P2) passed by learned JMIC, Hoshiarpur, the learned trial Court has held that as per evidence on record, no offence under Sections 406 and 498-A IPC was made out against respondents No.2 to 7 and therefore, the complaint qua the said respondents was dismissed; whereas the husband and mother-in-law of Pushpa Devi were summoned. The petitioner had then filed a revision before the learned Additional Sessions Judge, Hoshiarpur which too was dismissed vide order dated 21.10.2015 (Annexure P3). Relevant findings given by learned Additional Sessions Judge are as under:-

“10. Respondents No.2 and 3 are the husband and mother-in-law of Pushpa Devi, the sister of complainant Sohan Lal. So far as the respondents No.4 to 9 are concerned, respondent No.4 is brother-in-law of Pushpa Devi. Similarly, respondents No.6 and 7 are also sister and brother-in-law of Pushpa Devi, while respondent No.8 Binder is the sister of respondent No.2 and respondent No.9 is her husband. It is a matter of common knowledge that dowry is given to the husband or at the most to the parents of the husband. Therefore, respondents No.4 to 9 cannot be said to be the beneficiaries. Moreover, the allegations against them made in the complaint are general and vague in nature. Apart from this, there is a general tendency in such like cases to rope in as many relations of the husband as possible. In this connection, a reference can also be made to the law laid down in Chandralekha and others vs. State of Rajasthan and another, 2013(1) RCR(Criminal)-959, whereby it has been held that if the allegations are extremely

general in nature and no specific role is attributed to each of the accused, the FIR was liable to be quashed as against mother-in-law and sister-in-law who was married.

11. Keeping in view the above discussion, this court is of the considered view that the learned trial court has rightly appreciated the preliminary evidence on record and has rightly summoned only respondents No.2 and 3 to face trial under Sections 498-A, 406,500,504,506,323,341,342,34 read with Section 120-B IPC, while dismissing the complaint against the rest of the respondents. There is no illegality or infirmity in the view taken by the learned trial court while passing the impugned order which may call for interference by this court."

7. Reference may be made to judgment of the Hon'ble Supreme Court in **Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667]** **Law Finder Doc ID # 214039**, where in it has been noted that the tendency to implicate the husband and all his immediate relations is not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinized with great care and circumspection.

8. In view of the above findings as also the legal position, which have not been disputed by counsel for the petitioner, I find no

ground is made out to interfere in the impugned orders. Present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

09.04.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	9Yes/No	