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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7286-2020
Date of Decision:- 22.01.2025

SURINDER KAUR ...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

None for respondent No.2.

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AMARJOT BHATTI, J.

1. Petitioner Surinder Kaur filed petition under Section 482 Cr.P.C. seeking quashing of FIR No.33 dated 26.03.2014 under Section 498-A of IPC, registered at Police Station Goraya (Annexure P-1) and all consequential proceedings arisen therefrom including challan report presented under Section 173 Cr.P.C. (Annexure P-2) and chargesheet dated 17.11.2015 (Annexure P-3) in case No.190-2014 dated 21.08.2014 titled 'State Vs. Surinder Kaur and others'.

2. Facts of the case, FIR No.33 dated 26.03.2014 (Annexure P-1) was registered on the written complaint No.2326 *peshi* dated 11.11.2013 addressed to SSP, Rural Jalandhar against Chinder Pal husband, Manjit Kaur, Gagandeep Gona, Kamaljit Kaur, Rachna, Surinder Kaur sister-in-law, Rakesh Kumar, Ashwani, Rahul, Ajay, Dharmpal and Rajpal wherein it is

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stated that she got married with Chinder Pal in the year 2005. Out of this wedlock, she gave birth to a son who is now 5 years old. Her husband had gone abroad. He was living abroad for the last 3 years continuously and had never sent maintenance nor called her on telephone. She was dependent on her parents for her survival. After marriage, she was harassed and ill-treated by her husband Chinderpal and other members of in-laws family as detailed in the complaint. She was told that in case she gave birth to a girl child then she will not be kept in the house. She was even beaten up by the accused as detailed in the complaint. All the accused forced her to give divorce to her husband. She wanted to reside with her husband in in-laws house, but she was continuously threatened by all the accused. On one occasion, accused persons even tried to kill her. She was under constant threat. Even Panchayat of the village along with accused told her to give divorce to her husband but she refused. With these allegations, present FIR was registered.

3. After completion of investigation, challan was presented in the Court (Annexure P-2) and present petitioner Surinder Kaur and accused Manjit Kaur were chargesheeted for the offence under Section 498-A IPC vide chargesheet dated 17.11.2015 (Annexure P-3) whereas Chinderpal husband of the complainant was declared as proclaimed person.

4. Learned counsel for petitioner Surinder Kaur raised argument that she is married sister of Chinderpal husband of respondent No.2. Her marriage took place prior to the marriage of Chinderpal and she is living in matrimonial home having no interference in the matrimonial life of respondent No.2 and Chinderpal. Present petitioner is busy with her own family in the matrimonial home. She is neither beneficiary of any alleged

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demand nor could have attained anything out of the matrimonial dispute of respondent No.2 with her husband. False allegations have been levelled against petitioner and other family members to cause them harassment.

Learned counsel for petitioner pointed out that similarly placed co-accused Manjit Kaur sister of the petitioner filed CRM-M-12257-2017 and proceedings qua her in the said FIR were quashed vide order dated 30.01.2020 (Annexure P-5). Husband of respondent No.2 is abroad and for this reason present petitioner and other family members were roped in this false FIR. Version put forward by respondent No.2 was not believed by the Investigating Agency, as a result except present petitioner, Manjit Kaur and Chinderpal, all others were declared innocent. It is submitted that registration of present FIR and proceedings pending before the trial Court is gross misuse of the process of law. Therefore, FIR, challan report and chargesheet framed against present petitioner in this case may be quashed by accepting present petition.

5. On the other hand, learned counsel representing State referred to the status report confirming the facts narrated in the FIR. It is submitted that Surinder Kaur petitioner was arrested on 27.03.2014 and challan was presented qua her on 21.08.2014. Later-on, Manjit Kaur sister/co-accused was also arrested on 17.08.2015 and supplementary challan was presented and thereafter both of them were charge-sheeted. Two of the prosecution witnesses were examined. At that stage prosecution filed application under Section 319 Cr.P.C. to summon Ajay Kumar, Rakesh @ Billu, Ashwani and Rahul as co-accused and the said application was allowed vide order dated 21.03.2017. Specific allegations have been levelled against present

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petitioner for causing harassment to the complainant/respondent No.2 for bringing less dowry. She was being forced to leave the matrimonial home and give divorce to her husband Chinder Pal. Petition filed by petitioner is devoid of merits. Therefore, same may be dismissed.

6. I have considered the arguments and have gone through the record carefully. Perusal of FIR No.33 dated 26.03.2014 (Annexure P-1) indicates that it was registered on the basis of complaint filed by respondent No.2 addressed to SSP (Rural), Jalandhar, (Annexure P-4) in which present petitioner sister-in-law of respondent No.2/complainant was arrayed as accused along with others. In the said complaint, she claimed that after marriage she was harassed from time to time. Her husband went abroad. She gave birth to a son out of this wedlock. Her husband did not return back nor provided any maintenance and in return all the accused started threatening her and forced her to give divorce to her husband to which she did not agree. On account of this, she was continuously maltreated in matrimonial home. So far as Chinder Pal is concerned, he is still abroad and was declared proclaimed offender. Challan was presented against present petitioner, Surinder Kaur along with other sister namely Manjit Kaur. It is matter of record that Manjit Kaur filed petition seeking quashing of FIR in CRM-M-12257-2017 which was allowed vide order dated 30.01.2020 (Annexure P-5). Perusal of aforesaid order clearly indicates that Manjit Kaur sister of Chinder Pal was residing in Greece for the last so many years and even husband of respondent No.2 stayed with his sister in Greece. Considering the aforesaid factual position, FIR and all subsequent proceedings were quashed qua Manjit Kaur. So far as present petitioner is concerned, her case

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is on different footing. She is residing in India in her matrimonial home in village Mau Sahib, Tehsil Phillaur, District Jalandhar whereas matrimonial home of respondent No.2 is village Virk in same Tehsil Phillaur, District Jaladhar. Therefore, allegations levelled by respondent No.2 against present petitioner cannot be brushed aside altogether. Prosecution has to prove its own case by leading evidence and present petitioner/accused Surinder Kaur can take her stand in defence. Allegations levelled by complainant and the role of present petitioner is matter of trial which can be ascertained by appreciating the evidence on record at appropriate stage.

7. Considering these facts, I do not find it appropriate to quash FIR No.33 dated 26.03.2014 (Annexure P-1), challan report presented against present petitioner (Annexure P-2) or the chargesheet already framed against her (Annexure P-3), accordingly, petition preferred by the petitioner Surinder Kaur is dismissed.

8. My above observations are made for the disposal of present petition having no bearing on the merits of the trial.

(AMARJOT BHATTI)
JUDGE

22.01.2025
snd
Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No

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