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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1449-2024**

Date of Decision:-16.01.2025

Omprakash

...Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Omprakash has filed present criminal revision against impugned order dated 25.04.2024 vide which application filed under Section 319 Cr.P.C. for summoning of accused/respondents No.2 to 4 namely Bhoop Singh, Neeraj @ Vandana and Samay Singh was dismissed in FIR No.98 dated 07.03.2022, under Sections 304-B, 498-A, 120-B of IPC, registered at Police Station Gadpuri, District Palwal, with the prayer that the said order is contrary to the law and deserves to be set aside.

2. As per the facts of case, on written complaint of present petitioner-Omprakash, FIR No.98 dated 07.03.2022 has been registered under Sections 304-B, 498-A, 120-B of IPC (Annexure P-1) taking the stand that his daughter Sheetal got married with Dheeraj on 21.05.2021. Soon after marriage, she was beaten up on account of demand of dowry and there was continuous demand of a car from the girl. Due to this, his daughter lived in the parental house for two months and due to the pressure

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of society and with the intervention of Panchs, she was sent back to the matrimonial home. After few days, she was beaten up by her mother-in-law and sister-in-law and repeated their demand for car. Other accused Samay Singh used to support the in-laws family. His daughter told him that even uncle Samay Singh gave her beating. All the accused collectively gave beating to his daughter on 06.03.2022 for demand of dowry and she was hanged. The complainant alleged that his daughter was killed for demand of dowry.

3. After investigation, challan was presented against husband-Dheeraj, father-in-law-Kishan and mother-in-law-Sattan who are facing trial whereas the other accused were not challaned. After recording of statement of complainant-Omprakash (PW-1), application under Section 319 Cr.P.C. (Annexure P-3) was filed for summoning of Samay Singh, Bhoop Singh and Neeraj @ Vandna which was declined by passing impugned order dated 25.04.2024. Feeling aggrieved of this order, present criminal revision has been filed..

4. Learned counsel for petitioner argued that respondents No.2 to 4 were specifically named in the FIR levelling allegations of maltreatment to the victim along with other accused. Omprakash as PW-1 fully confirmed his version as detailed in the FIR. Copy of his statement is Annexure P-2. Due to the maltreatment given to the victim on account of demand of dowry, she lost her life. Respondents No.2 to 4 are specifically named. Despite this, application filed under Section 319 Cr.P.C. has been wrongly declined. Therefore, impugned order dated 25.04.2024 may kindly be set aside by accepting the present criminal revision.

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5. On asking of this Court, Mr. Rupinder Singh Jhand, Addl. A.G., Haryana appeared on behalf of State. He confirmed the factual position.

6. I have considered the arguments and the documents annexed with the present criminal revision. All relevant documents are already annexed, therefore, no purpose would be served by calling the status report.

I have carefully gone through the contents of FIR (Annexure P-1) registered on the statement of present petitioner-Omprakash. In the case in hand husband as well as both in-laws of the deceased victim are already facing trial. Bhoop Singh respondent No.2 is the elder brother-in-law/*Jeth*, Neeraj is his wife (*Jethani*) whereas Samay Singh is Bua's husband of Dheeraj. In the FIR, it is claimed that the aforesaid respondents also gave beating to the victim on account of their demand of dowry. Learned trial Court while appreciating the facts considered that said Samay Singh was resident of another village Padhani Sadar Tauru, District Nuh whereas the accused who are facing trial in this case are residents of Village Sahrala, Tehsil Hundal, District Palwal. Therefore, it cannot be believed that Samay Singh used to go to the house of other accused persons to give beating to the daughter of present petitioner. So far as, Bhoop Singh elder brother of Dheeraj and Neeraj his wife are concerned allegations qua them are general in nature. In case, there was any demand for more dowry, they are not the beneficiaries.

Thus contents of FIR indicate vague and general allegations qua respondents No.2 to 4. Allegations levelled in the FIR were considered by the investigating agency and finding no substance in the same, respondents No.2 to 4 were not challaned along with the main accused. Learned trial

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Court while disposing of the application under Section 319 Cr.P.C. has rightly considered the provisions of Section 319 Cr.P.C. as well as the various judgments of Apex Court giving guidelines to exercise the power under Section 319 Cr.P.C. Mere statement of complainant Omprakash was not sufficient to summon respondents No.2 to 4 to face trial in this case. Petitioner/complainant was required to bring on record sufficient material to justify summoning of respondents No.2 to 4 under the provisions of Section 319 Cr.P.C.

Therefore, I do not find any illegality or irregularity committed by the learned trial Court while dismissing the application under Section 319 Cr.P.C. vide order dated 25.04.2024 and the same is accordingly upheld and criminal revision preferred by petitioner is accordingly dismissed.

16.01.2025
Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No