

(2011) 04 P&H CK 0187

High Court Of Punjab And Haryana At Chandigarh

Case No: CRR No. 782 of 2011 (O and M)

Karamveer

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: April 4, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 319
- Dowry Prohibition Act, 1961 - Section 2
- Penal Code, 1860 (IPC) - Section 304B, 406, 498A, 506

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Alok Singh, J.

Complainant has invoked the revisional jurisdiction of this Court impugning the order dated 5.1.2011 passed by Additional Sessions Judge, Sirsa, thereby rejecting the application moved u/s 319 Code of Criminal Procedure to summon Neetu and Mona (married and unmarried sisters-in-law of the deceased) to face trial under for the offences punishable under Sections 304-B/498-A/406/506 IPC as additional accused.

2. The brief facts of the present case are that complainant in the instant case got recorded his statement to the police on 29.9.2009 to the effect that the marriage of his daughter, namely, Deepmala, was solemnized with accused Kalu Ram about one year ago. A son was born to said Deepmala at the house of the complainant at Hansi. He further stated that after the marriage of Deepmala, her husband Kallu Ram, father-in-law Dalip, mother-in-law Laaji, sisters-in-law Neetu and Mona stated to her that she did not bring anything in her marriage and if she wanted to reside in her in-laws house, she would have to bring a motor cycle. Deepmala had narrated this fact to the complainant. The complainant further stated that he could not fulfill

the aforesaid demand. Her daughter Deepmala had come to her in-laws house about a week ago. On 28.9.2009 at about 7 p.m. accused Kalu Ram informed the complainant on telephone that Deepmala is serious. The complainant along with other respectable came to Sirsa and found that her daughter had died. When the complainant enquired about the death of Deepmala from his son-in-law Kalu Ram, he stated that they had killed Deepmala and they may do whatever they like. Accused Kalu Ram also threatened him to kill. The complainant has also stated that he enquired into the matter ad came to know that accused Kalu Ram, Dalip, Laalji, Neetu and Mona had killed Deepmala in the greed of money.

3. During the trial, complainant Karamveer father of the deceased was examined on oath. During cross-examination he has stated "I also got it recorded to the police that I received a telephonic message from accused Lajo about the demand of motor cycle in "Chhuchak" and she asked me to bring motor cycle at the time of Chhuchak" He has further stated that Neetu is the married sister-in-law and was married at Bathinda while another sister-in-law Mona is the student.

4. Learned trial Court having observed "It is true as contended by learned Counsel for the complainant that names of Neetu and Mona are mentioned in the FIR. It is also an admitted fact that they both were found incorrect by the police during the course of investigation. The complainant Karamvir, father of deceased Deepmala, appeared in the witness box as PW1 and he tried to support the case of prosecution by stating that all the accused persons as well as Neetu and Mona, sisters-in-law of Deepmala, taunted her for not bringing motorcycle in the dowry. Perusal of FIR and testimony of complainant Karamvir as PW1 shows that there are general allegations against Neetu and Mona and there is no specific allegation against them. It is an admitted fact that marriage of Neetu was solemnized one year prior to the marriage of the deceased and Mona was a student at the time of marriage of the complainant with Kalu Ram accused and thus they had nothing to do with the motorcycle and in this way, police has rightly came to the conclusion that Neetu and Mona are innocent. It cannot be ignored that in the recent years a tendency has developed for roping in all the relations in dowry death cases" has dismissed the application.

5. I have heard the learned Counsel for the Petitioner and have perused the record.

6. In view of the judgment of this Court in the matter of *Shivraj Singh v. State of Haryana and Ors.* Crl. Revision No. 1551 of 2010 decided on 17.2.2011, power u/s 319 Code of Criminal Procedure must be exercised with great caution and very sparingly only when trial Court is satisfied that involvement of the persons sought to be summoned as additional accused is apparent on the face of the record and evidence against the persons sought to be summoned if stands unrebutted would lead to conviction. As per statement recorded on oath of the complainant, demand of motorcycle was made after the birth of the son of the deceased in the chhuchak. Whether demand of motorcycle in chhuchak would amount to dowry as defined u/s 2 of the Dowry Prohibition Act is the question which requires consideration by the

trial Court, but *prima facie* I am satisfied that statement of the complainant on oath against Respondents/married sisters-in-law is flouting in nature and there seems to be no good reason to summon married sister-in-law Neetu who is residing at her matrimonial home as well as Mona who is student. There seems to be no valid ground or reason to take contrary view to the view taken by learned trial Court.

Dismissed.