
(2010) 11 P&H CK 0377

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-13943 of 2010

Sapna Aggarwal

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Nov. 12, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 323, 406, 452, 498A, 506
- Protection of Women From Domestic Violence Act, 2005 - Section 14

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ritu Bahri, J.

The present petition u/s 482 of the Code of Criminal Procedure has been filed for quashing the order dated 3.12.2009 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Faridabad vide which complaint filed under Sections 323, 452, 498A and 506 of the Indian Penal Code has been dismissed and revision petition against the order dated 3.12.2009 passed by the trial Court was dismissed vide order dated 2.3.2010 (Annexure P-3) passed by the Additional Sessions Judge, Faridabad.

2. Brief Facts:

Complainant Sapna Aggarwal was married to Respondent No. 2 Parag Aggarwal on 6.5.2007 as per Hindu Rites and Ceremonies. A sum of Rs. 35 lacs was spent by her father on the marriage and gifts were given to the accused and his relatives. It is complained that immediately after the marriage, Respondents 2 to 4 started treating the complainant with cruelty on account of bringing insufficient dowry and she was called a black coloured and a small height girl which resulted in humiliation. It was alleged that on instigation of Respondent No. 3, Respondent No. 2 Parag Aggarwal slapped and locked the complainant inside a room in Meerut at her

matrimonial home. Respondent No. 2 was doing Ph.D at University of Texas Dallas USA. He took the complainant on 20.5.2007 and she was sent back on 23.8.2007. Complainant alleges that she went to her matrimonial home in India where Respondent Nos. 3 and 4 refused to keep her. Due to strained relations between the husband and wife, complainant was not called back to USA by Respondent No. 2 Parag Aggarwal. In June, 2008 she went to Florida but was ill-treated by Respondent No. 2 and came back to India. All efforts of re-conciliation went in vain. The complainant filed a complaint under Sections 323, 452, 498A, 406, 506 I.P.C. for summoning of Respondent Nos. 2 to 4.

3. After recording the preliminary evidence, the trial Court has come to the conclusion that it was a love marriage and no complaint u/s 498A I.P.C. is made against Respondent Nos. 3 and 4. A case under the Protection of Women From Domestic Violence Act, 2005 was under consideration between the parties. The complaint was dismissed after observing that the complaint has been filed on insufficient ground.

4. The appellate authority after appraising the entire evidence has come to the conclusion that the complainant did not reside with her in-laws after 20 May, 2007. Therefore, it appears to be improbable that in-laws had retained the dowry articles. A case has been made out against Parag Aggarwal and FIR No. 197 dated 29.5.2009 has been registered against him. The Respondents are ready to give back the dowry articles as per their reply filed in the complaint of Sapna Aggarwal u/s 14 of the Protection of Women From Domestic Violence Act, 2005.

5. Mr. A.K. Jindal, learned Counsel for the Petitioner has vehemently argued that the complaint filed by the Petitioner has been dismissed on the ground that it was a love marriage and it is not a good ground to come to the conclusion that no case of harassment u/s 498A I.P.C. is made out on this score. He has not denied the factual position that FIR No. 197 dated 29.5.2009 against the husband already stand registered.

6. After hearing learned Counsel for the Petitioner and going through the trial Court order dated 3.12.2009 (Annexure P-2) and Appellate Court order dated 2.3.2010 (Annexure P-3). I am of the view that the evidence adduced by the complainant has rightly been examined by both the Courts and both the Courts are right in dismissing the complaint filed by the Petitioner. No cruelty punishable u/s 498A I.P.C. is made out against Respondent Nos. 3 and 4 as per the investigation made by the Investigating Officer.

7. In view of what has been observed above, the orders passed by both the Courts below are affirmed and as such this petition is dismissed.