
(2006) 10 P&H CK 0103

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 1499-M of 2006

Vipan Kumar and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision: Oct. 23, 2006

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 406

Citation: (2007) 2 RCR(Criminal) 403

Hon'ble Judges: Tej Pratap Singh Mann, J

Bench: Single Bench

Advocate: Vipul Aggarwal, for the Appellant; S.S. Chahal, AAG, Punjab For the Respondent
No. 2 Mr. Pardeep Rajput, for the Respondent

Final Decision: Dismissed

Judgement

T.P.S. Mann, J.

The petitioners are seeking quashing of FIR No. 148 dated 28.9.2004 registered at Police Station `A" Division, Amritsar under Sections 498A/406/120B IPC and all the proceedings taken thereunder.

2. The FIR was registered on the basis of an application submitted by Renu Bala respondent No. 2. She alleged therein that she was married to Ravi Kumar on 8.12.2002. Shagan ceremony was performed a day earlier to that where her parents and brothers spent beyond their status. Various gold items and cash in addition to T.V., air cooler and furniture were given to her husband Ravi Kumar, her father-in-law Chaman Lal, her brother-in-law, her brother-in-law's wife Rama Rani and her sister-in-law Neeru. Even at the time of marriage, her parents and brothers spent Rs. 1,00,000/-. Dowry articles worth Rs. 25,000/- were given. Unfortunately, on 11.12.2002 her father Hem Raj expired. Thereafter, her in-laws family started harassing and taunting her. Her husband Ravi Kumar and her sister-in-law Neeru would say that although her father had died but he left nothing for them. On the

occasion of Lohri ceremony, her brothers gave more gifts to her in-laws but in spite of the same their behaviour did not change. In the early morning of 13.4.2003, her in-laws started harassing her and demanding money. She called up her brothers on telephone to appraise them that her condition was bad because of her pregnancy. Her in-laws told her brother to take her back and she could return only if they were able to give more money. When her mother talked to her husband, he behaved rudely and demanded Rs. 1,00,000/-. At the time when the complainant gave birth to a baby daughter, all the expenses pertaining to delivery were borne by her mother and brother. None from her in-laws side came to see her and her daughter. On 27.2.2004 at 8.00 p.m. when she was preparing food in the kitchen, her husband, father-in-law and brother-in-law came there and started threatening her by saying that she should bring share of property from her father or Rs. one lac in cash. At that time her mother-in-law, jethani and sister-in-law sided with them and she was given beatings and turned out of the house. Her in-laws refused to give any article of Istri Dhan to her. On these allegations, FIR was registered on 28.9.2004.

3. The present petition has been filed by Vipin Kumar (Jeth), Rama Rani (Kethani) and Neeru (Nanad) for quashing of the aforementioned FIR.

4. It has been contended on behalf of the petitioners that Vipin Kumar and his wife Rama Rani were having separate mess residence from that of Ravi Kumar and Renu Bala. They had no connection whatsoever with Renu Bala. No dowry article was ever entrusted to them except a sum of Rs. 2100/- as shagan, which had also been returned at the time of joining the investigation. It is also stated that Neeru petitioner is unmarried sister of the complainant and she had no concern or connection whatsoever with the matrimonial dispute between the complainant and her husband Ravi Kumar. Further that no dowry articles was ever entrusted to her except for a shagan of Rs. 2100/-, which had also been returned after the registration of the FIR. The prosecution has levelled vague and general allegations against all the three petitioners. No specific allegation of any entrustment or misappropriation of dowry article was made against any of the petitioners. Even otherwise on perusal of the FIR, no offence under Sections 406, 498-A and 120-B IPC was made out. The bald assertion made in the FIR would not be sufficient to constitute any offence against the petitioners. Further that there is a common tendency to involve all the relatives of the husband when the relations between husband and wife became strained. The provisions of law were made with good intentions so as to secure and protect the interest of the bride in her in-laws' house. However, these provisions are being misused by the women and their parents and relatives to rope in each and every relative, including minors and even school going kids, nearer or distant relatives of the husband and in some cases against every person of family of husband whether living away or in other town or abroad and married, unmarried sisters, sister-in-law, unmarried brothers, married uncles and in some cases grand parents. Accordingly, it was prayed that the FIR lodged by Renu Bala against the petitioners be quashed and all the proceedings taken thereunder

set aside.

5. The stand of the State is that the petitioners have filed present petition on false and frivolous grounds. They have mis-used the process of law so as to get undue benefit. In fact, the investigation of the case has already been completed and the challan finally presented in the Court.

6. It has also been contended on behalf of Renu Bala respondent No. 2 that it was on account of the mental torture and harassment metted to her at the hands of her in-laws family, including the present petitioners, for bringing less dowry that she had no other option but to lodge the FIR. It was denied by her that only shagan of Rs. 2100/- was received by the petitioners whereas in fact other gift items were also given at the time of marriage, details of which were mentioned in the FIR. All the petitioners were residing in the same house as her husband. Petitioner Neeru is about 35 years of age, although still unmarried. Accordingly, it was prayed by the respondents that the present petition be dismissed.

7. I have heard the arguments made by learned counsel for the parties and gone through the documents/material placed before me.

8. Perusal of the FIR shows that only general and vague allegations were levelled therein against Rama Rani and Neeru petitioners. No specific allegation was there against them. Towards the end of the FIR when incident of 27.2.2004 was narrated, it was alleged that these two petitioners sided with the husband, father-in-law and brother-in-law of Renu Bala, whereafter she was given beating and turned out. Moreover, the status of Rama Rani in the house was same as that of Renu Bala respondent No. 2, both being daughters-in-law of Chaman Lal. It was highly unbelievable that Rama Rani would have associated herself with her husband and other relatives to harass or torture Renu Bala. Neeru petitioner is unmarried sister-in-law of Renu Bala, although she is 35 years of age. On the other hand there were specific allegations levelled in the FIR against Vipin Kumar petitioner. It was stated therein that he along with his brother Ravi Kumar and his father Chaman Lal while in drunken condition pulled Renu Bala from her hair and took her out of the kitchen, whereafter, she was told to bring her share from the property of her father or Rs. one lac in cash.

9. In *Anita and others v. State of Punjab*, 2003 (4) RCR (Cri) 313, this Court noted a tendency in such like cases to involve all the relatives of the husband when relations between husband and wife became strained :

The allegations in my view qua the present petitioners are vague in nature and they have no concern with the demand of dowry or cruelty at all. There is a tendency to involve all the relatives of the husband when the relations between the husband and the wife become strained. It is not believable that the unmarried sisters or unmarried brother of the husband would be entrusted with any article of dowry separately. It appears to me that the complainant has knitted a net wider in order to

involve everybody in her in-laws.

10. In *Raj Pal Singh v. State of Haryana*, 2000 (3) RCR (Cri) 135, this Court quashed the FIR by holding that all the allegations of cruelty and misappropriation of dowry articles were vague and general in nature. It was observed as under :-

So far as cruelty alleged by the complainant is concerned, the complaint is once again vague and general. The complainant has stated that from the beginning, all the accused especially accused No. 1 (her husband) treated her cruelly. There is no specific allegations against any of the petitioners. The further allegation that few days after the marriage the accused persons started torturing her is also vague and without details. Similarly, the allegation that the other accused instigated her husband is also vague and general without being specific. Though the complainant has stated that five months after the birth of male child, she was turned out of the matrimonial home, she has not specified as to who has done so. Her allegation that in July 1997, her husband at the instance of the other accused severally (severely ?) beat her and turned her out of the matrimonial home is again not specific about the petitioners, but, is only general.

11. In view of the above, the present petition filed on behalf of Rama Rani and Neeru is accepted. FIR qua them is quashed and all subsequent proceedings taken thereunder are set aside.

12. However, the present petition filed by Vipin Kumar is dismissed with liberty to him to take all the pleas available to him at the appropriate stage.

13. In case the petitioner Vipin Kumar has already been granted interim exemption from personal appearance in pursuance of order passed by this Court on 10.1.2006, the said exemption shall continue throughout the trial of the case.