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Vipan Kumar and others Vs State of Punjab and another

Criminal Miscellaneous No. 1499-M of 2006

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 23, 2006

Acts Referred:
Penal Code, 1860 (IPC) â€" 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 expanses 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 Vipan 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 Vipan 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 Vipan

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 Vipan Kumar is dismissed with liberty to him to take all the pleas available to him at the appropriate

stage.

13. In case the petitioner Vipan 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.