

Anita and Others Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 17, 2003

Acts Referred: Hindu Marriage Act, 1955 â€” Section 9
Penal Code, 1860 (IPC) â€” Section 406, 498A

Citation: (2003) 6 CriminalCC 411 : (2003) 4 RCR(Criminal) 313

Hon'ble Judges: Virender Singh, J

Bench: Single Bench

Advocate: G.K. Mann, G.S. Sandhu, for the Appellant; Mansur Ali, D.A.G., Punjab, for the Respondent

Final Decision: Dismissed

Judgement

Virender Singh, J.

Vide this order I shall be disposing of two criminal misc. applications No.27044-M of 2001, Anita and others v. State

of Punjab and Criminal Misc.No.34412-M of 2001, Lal Chand Thapar and others v. State of Punjab, as both are arising out of one and the same

FIR No.32 dated 2.2.2001 under Sections 406/498-A IPC registered at Police Station, Civil Lines, Ludhiana.

2. There are seven petitioners in the above said two petitions and they are seeking the quashing of the FIR Annexure P/I on the ground that they

have been falsely implicated in this case by Monika alias Monu.

3. Anita, Reeta and Lalita, the petitioners in Criminal Misc.No.27044-M of 2001 and Amrita in Criminal Misc.No.34412-M of 2001 are

unmarried sisters-in-law of the complainant. Ravinder alias Rinku petitioner in Criminal Misc.No.34412-M of 2001 is unmarried brother-in-law of

the complainant.

4. Learned counsel for the petitioners does not press petition on behalf of petitioner No. 1 and 2 (parents-in-law) in Criminal Misc.No.34412-M

of 2001 and the petition qua them is hereby dismissed being not pressed. We are now left with four unmarried sisters-in-law and one unmarried

brother-in-law.

5. Mrs. Mann, the learned counsel for the petitioners has taken me through the FIR Annexure P/I and submitted that the present petitioners have

been falsely implicated in this case. She contends that the marriage between the complainant and Davinder Thapar non-applicant took place in the

year 1993 and the petitioners are now being booked after seven years. The learned counsel further contends that the complainant after the

marriage had started living with her husband Davinder Thapar at Assam in district Dibrugarh where he was a contractor and running a firm in the

name of M/s Balmiki enterprise. It is then contended that even from the perusal of the FIR no specific allegation against the present petitioners has

been levelled so far as the harassment or demand of dowry is concerned and they have been involved in this case by the complainant in order to

harass them.

6. The next contention is that there is no specific entrustment of dowry to any of the petitioners and as such section 406 IPC is also not prima facie

made out. Developing her arguments, the learned counsel further contended that in fact the complainant had left her matrimonial home on her own

and thereafter her husband Davinder Thapar was constrained to file a petition u/s 9 of the Hindu Marriage Act for restitution of conjugal rights on

20.11.2000 and the present FIR has been lodged subsequently as a counter blast in which all the family members including the present petitioners

who are unmarried sisters and brother of the husband have also been booked. The present FIR qua the present petitioners, thus, is an abuse of the

process of law and is liable to be quashed.

7. In support of her submissions, Mrs. Mann has relied upon Kiran v. State of Haryana, 1999 (1) RCR (Cri.) 97, Raj Pal Singh v. State of

Haryana, 2000 (3) RCR (Cri.) 135, Ramandeep Kaur v. State of Punjab, 2001 (4) RCR (Cri.) 394, Mukesh Rani v. State of Haryana, 2002 (1)

RCR (Cri.) 163 and Kulwinder and others v. Asha Rani, 2002 (2) RCR (Cri.) 358.

8. On the other hand, the learned State Counsel assisted by Mr. G.S. Sandhu, learned counsel for the complainant has refuted the arguments

saying that prima facie the allegations against the present petitioners constitute both the offences viz Sections 498-A and 406 IPC as they had been

harassing the complainant right from the outset of the marriage and both the petitions deserve dismissal.

9. After hearing the rival contentions of both the sides, I am of the view that the present FIR Annexure P/I qua the five petitioners namely Anita,

Reeta, Lalita, Amrita and Ravinder alias Rinku is liable to be quashed.

10. Admittedly, Anita, Reeta, Lalita, Amrita are unmarried sisters-in-law and Ravinder alias Rinku is unmarried brother-in-law of the complainant.

1 have gone through the allegations as contained in the FIR Annexure-P/I very minutely. The present petitioners have been implicated by the

complainant with the general allegations to the effect that all the accused were not satisfied with the articles given by the parents of the complainant

and had started maltreating her for bringing less dowry. So far as entrustment is concerned, it is also alleged that Rs. 1 lac was given to all the

petitioners by the father of the complainant after the marriage. This on the face of it appears to be most improbable. The learned counsel for the

complainant had not disputed the argument advanced by the learned counsel for the petitioners to the effect that the complainant after the marriage

had shifted to Assam with her husband who was working as contractor there and she thereafter came back to Ludhiana after staying there for

reasonably good time.

11. 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 every body in her in-laws.

12. The judgments cited by the learned counsel for the petitioners are squarely applicable to the facts and circumstances of the present case.

13. Consequently the FIR No.32 dated 2.2.2001 u/s 406/984-A IPC registered at Police Station Civil Lines, Ludhiana, Annexure P/I and further

proceedings arising there from qua Anita. Reeta, Lalita, Amrita and Ravinder alias Rinku petitioners are hereby quashed.

The net result in that Criminal MiSc.No.27044-M of 2001, Anita and others v. State of Punjab is allowed whereas Criminal Misc. No.34412-M

of 2001 Lal Chand Thapar and others v. State of Punjab is partly allowed qua Amrita and Ravinder alias Rinku petitioner Nos.3 and 4

respectively whereas qua Lal Chand Thapar and Kamla Devi petitioner Nos. 1 and 2 respectively, is hereby dismissed being not pressed.