

(2008) 04 P&H CK 0144

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 20428-M of 2007

Jasmin and another

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision: April 29, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 156(3), 482
- Penal Code, 1860 (IPC) - Section 34, 406, 498A, 506

Citation: (2008) 4 RCR(Criminal) 228

Hon'ble Judges: Vinod K.Sharma, J

Bench: Single Bench

Advocate: Jagdish Manchanda, for the Appellant; Tarun Aggarwal, D.A.G., Haryana, for the Respondent

Final Decision: Allowed

Judgement

Vinod K. Sharma, J.

This petition u/s 482 of the Code of Criminal Procedure has been moved by the petitioners for quashing of FIR No. 25 dated 24th January 2005, registered under Sections 406/34 of the Indian Penal Code at Police Station Pehowa, District Kurukshetra as well as further proceedings arising therefrom.

The FIR registered against the petitioners reads as under:

"On dated 24.1.05 an applicant Suman w/o Naveen Kumar s/o Pintoo s/o Froj Masih r/o Kharak Singh Farm, Sandholi, P.S. Pehowa, Distt. Kurukshetra under Sec. 156(3) through Ilaga Magistrate, in the P.S. Pehowa. In the Court of Miss Gagandeep Kaur Sr. D.J.M. Pehowa, Suman w/o Naveen Kumar s/o Pintoo s/o Froj Masih r/o Kharak Singh Farm s/o Benjamin, 2. Sunil Kumar, 3. Munna sons of Benjamin, 4. Joshmin d/o Benjamin, 5. Marriam w/o Benjamin, 6. Benjamin s/o unknown, all residents of Guru Nanak Colony, near Gurdwara, Jagadhri, Distt., Yamunanagar. Accused. Complaint under sections 406/498A/506/34 IPC. 1. That the complainant was married with

accused No. 1 on dated 29.12.2003 at vill. Farm Kharak Singh Sandholi according to Christian rites and ceremony. Hence, complainant is legally wedded wife of accused No. 1. Accused Nos. 2 and 3 is brother of accused No. 1 accused No. 4 is sister of accused No. 1 and accused Nos. 5 and 6 are mother and father of accused No. 1. Hence all the accused persons are related interested and are members of common family 2 that in the marriage of complainant, accused persons were entrusted in mistridhan/dowry articles, mentioned in Annexure-A, were entrusted to all the accused in the presence of relations, respectable and neighbours including the persons mentioned in the list of witnesses, enclosed. The accused were entrusted the said articles belonging to the complainant and the accused persons are only belongs to the complainant and the accused persons are only demanding of the said articles whereas the absolute owner of the said articles is complainant. 3. That after the marriage, accused persons in criminal conspiracy and abetment to each other with fraudulent dishonest intention are harassing the complainant to fetch more and more dowry and the accused persons tick to demand Indica Car and on refusal, the complainant to bring the same, the complainant was abused, beaten and humiliated and insulted by the accused persons with common intention. 4. That the complainant remained two months in her in-law, when she requested to accept the demand of accused, then she turned out from the matrimonial house of complainant on dated 8.3.2004, in three wearing clothes with the threat to kill her, if she again entered the matrimonial home without Indica Car and accused No. 5 also threatened complainant, he will shoot out the complainant if she remained here. 5. That father of the complainant convened a panchayat in June 2004, to settle the matter amicably but this panchayat in vain. Accused Nos. 2 to 6 asked the father of the complainant you came again when accused No. 1 came from Saudi Arab and they have also refused returned the dowry articles. 6. That on dated 4 Jan, 2005, accused No. 1 came at village Sandholi and asked the complainant, without fulfilling the demand of accused No. 1 this matter cannot be solved, in any manner. 7. That all the accused have misappropriated the Istridhan in question and they converted the same to their own use and they are claiming the same to be their own, with fraudulent and dishonest intention to cause loss and injury to complainant. 8. That the articles were entrusted to accused at Vill. Sandholi, the Pehowa, Distt. Kurukshetra, P.S. Pehowa and complainant is resident within the territorial jurisdiction of this Hon"ble Court, therefore, this Hon"ble Court has jurisdiction to entertain and try the present suit and accused were abused and threatened the complainant in Sandholi and this Hon"ble Court has also got jurisdiction to entertain and try the present complaint. It is, therefore, prayed that the accused may kindly be punished as per law for the offences as committed by the accused. It is, therefore, prayed that for immediate recovery of the Istridhan/dowry articles from the accused persons this complaint may please be sent to the Police Station, Pehowa, u/s 156(3) Cr. P.C. for registration of the FIR against the accused and far investigation and recovery of Istridhan/dowry articles from accused, in interest of justice. Sd/- complainant."

2. Petitioner No. 1 is sister, whereas petitioner No. 2 is unmarried brother of Naveen Kumar, the husband of the complainant.
3. The reading of the FIR shows that no specific allegations have been levelled against the petitioners and the only assertion is that Istridhan/dowry articles were entrusted to all the accused in the presence of relations, respectable and neighbours etc. and the same have not been returned.
4. Learned counsel for the petitioners contends that continuation of proceedings against the petitioners is nothing, but misuse of the process of the Court and the process of the Court is being used as a tool to harass and humiliate the petitioners because of their relations with the husband of the complainant and the petitioners are being victimised of prevalent syndrome of roping in every member of family in such type of matrimonial criminal litigation.
5. In support of this contention learned counsel for the petitioners placed reliance on the judgments of this Court in the cases of Kamlajit Singh v. State of Punjab, 2004 (1) RCR (Cri) 321, Rajinder Mohan Kashyap v. Om Parkash Sharma, 2005 (1) RCR (Cri) 274 and Anisha Bhandari v. State of Haryana, 2005 (2) RCR(Cri) 429 and the judgment of the Hon"ble Supreme Court in the case of Ramesh and others v. State of Tamil Nadu, 2005 (2) RCR (Cri) 68 : 2005 (1) Apex Criminal 537.
6. In view of what has been stated above, this petition is allowed. The FIR and the subsequent proceedings arising therefrom qua the petitioners are ordered to be quashed.