
(1991) 04 P&H CK 0054

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 14467-M of 1990

Anand Pal and ors.

APPELLANT

Vs

State of Haryana and anr.

RESPONDENT

Date of Decision : 25-04-1991

Acts Referred:

Citation : (1991) 3 RCR(Criminal) 118

Hon'ble Judges : G.S.Chahal, J

Advocate : P.S. Rana, Advocates for appearing Parties

Judgement

G.S. Chahal. J.

1. Anand Pal and others have come to this Court in this criminal miscellaneous under section 482, Cr. PC for quashing of the First Information Report No. 924 dated 26990, registered at Police Station City, Karnal under sections 498A and 406, Indian Penal Code.

2. The impugned FIR Annexure P2 was registered on the basis of a complaint filed by Smt. Krishna Rani, respondent2 in the Court of the Chief Judicial Magistrate, Karnal. According to the averments made therein, she was married to Anand Pal petitioner in February 1987. At the time of marriage, the parents and other relations of the respondent gave customary dowry articles to her. These were her Istridhan. As per the custom, at the time of Doli, all the articles were handed over to all the accused persons at Karnal which were duly received by them in presence of the respectables. The complainant remained at her inlaws house which consisted of all the petitioners but their behaviour towards her was not good. Her husband, along with others used to give her beating. She was insulted and they all misbehaved with her for not bringing sufficient dowry. She had informed her parents of these facts and efforts were made to bring about reconciliation. She was treated with cruelty, both physical and mental, by her husband at the instance of all the other accused persons and turned out of their house after giving severe beating. She had then brought an application under section 125. Cr. PC. The accused persons were approached to return the dowry

articles, but they refused to do so. Even before the Panchayat, her husband dragged her from her long hair and gave fist blows, while her motherinlaw gave chappal blow.

3. So far as the allegations of enstrument of dowry articles are concerned, they are vague in nature. It is not specified, what articles of dowry were given to which of the accused persons.

4. With respect to acts of cruelty, particular allegations are levelled only against her husband and her motherinlaw. Qua the other accused persons, these are vague. The complainant had brought proceedings for divorce and obtained exparte decree Annexure P1 on 2471589, i.e. prior to the filing of the complaint in the Court of the Magistrate which is dated 1291990. Her marriage with Anand Pal having been dissolved, she had implicated the 5 brothers of her husband, as well as her fatherinlaw to face trial under the impugned complaint. This prosecution of the accusedpetitioners 2 to 7 is with an oblique motive and for a purpose to wreak vengeance from her husband and other relations. The same tentamounts to abuse of process of the Court.

5. I hereby allow the criminal miscellaneous of petitioners2 to 7, quashing the impugned FIR qua them. However qua Anand Pal petitioners and Smt. Krishna Devi No. 8 the petition is hereby dismissed.