
(2003) 02 P&H CK 0007

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 27220-M of 1997

Bhupinder Kaur and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 12-02-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 498A

Citation : (2003) CriLJ 3394 : (2003) 2 RCR(Criminal) 413

Hon'ble Judges : Satish Kumar Mittal, J

Bench : Single Bench

Advocate : M.L. Saini, for the Appellant; Sukant Gupta, D.A.G., for the Respondent

Judgement

Satish Kumar Mittal, J.—Bhupinder Kaur, Roop Singh and Pradeep Kaur, mother-in-law, brother-in-law and sister-in-law, respectively, of Smt. Ranjit Kaur (hereinafter referred to as the complainant-wife) have filed the present petition u/s 482 of the Code of Criminal Procedure (hereinafter referred to as "the Code") for quashing of F.I.R. No. 21 dated 9-8-1997, registered at Police Station Sadar Khanna, u/s 498A of the Indian Penal Code (hereinafter referred to as "IPC").

2. The aforesaid F.I.R. was lodged on the basis of complaint made by the complainant-wife, who was married to Jaswant Singh son of Bhupinder Kaur petitioner No. 1 in the year 1994. The aforementioned FIR was registered against Jaswant Singh, Amarjit Singh, Bhupinder Kaur, Harbans Singh and Pardeep Kaur, who are husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of the complainant-wife. However, the name of Roop Singh does not find mention in the said FIR, though he is also apprehending his implication in this case. The aforesaid persons, who have been arrayed as accused, consist the entire family of Amarjit Singh. However, the present petition has been filed only by three persons, named above.

3. It has been alleged in the FIR that the marriage between Jaswant Singh and

the complainant-wife took place on 13-7-1994. At that time, many articles of gifts and dowry, which constitute Istri Dhan of the complainant-wife, were given and handed over to the accused persons mentioned in the FIR. A few days after the marriage, parents-in-law of the complainant-wife and other relations of her husband started finding fault with the quality of dowry articles and insufficiency in the same. A motor cycle or in lieu thereof an amount of Rs. 35,000/- in cash was demanded, which was received by accused-Amarjit Singh. A demand was also raised for a Maruti car. When the demand of dowry was not met, the complainant-wife was then maltreated and given beatings by the accused persons. She was turned out of matrimonial house in three clothes in December, 1994. Since her parents were living in Canada, therefore, she was compelled to live in her brother's house and when they came back from Canada, they requested her in-laws to keep her in the matrimonial house. By that time, her husband had also gone out of India. The accused have not allowed the complaint-wife to use her Istri Dhan. They have committed an offence of demanding more dowry by giving her severe beatings and maltreating her, therefore, an action was sought to be taken against them.

4. The petitioners in the instant petition are seeking quashment of the aforesaid FIR on the grounds that earlier to the present case, the complainant-wife made a similar complaint on 1-8-1997 before SHO, Police Station Payal, which was found to be false. The allegations made in the present FIR and in the previous complaint are contradictory. Actually, all the allegations made in the FIR are false and fabricated one and the entire family has been roped in by the complainant-wife with intention to put pressure on her husband Jaswant Singh to take her back with him to abroad. It has been alleged that petitioners Nos. 2 and 3 were minors at the time of registration of the present FIR. No specific allegations has been levelled against any accused, which constitute an offence u/s 498A, I.P.C. Petitioners Nos. 2 and 3, who are minors, have been falsely implicated in the present case. No specific role has been attributed to them.

5. In support of his contention, learned counsel for the petitioners has relied upon *Harsh Vardhan Arora v. Smt. Kavita Arora* (2002) 2 Rec Cri R 499 (P&H); *Lakhwinder Singh v. State of Punjab* (2000) 4 Rec Cri C 424 : (2000 CriLJ 4151) and *Sunil Aggarwal Vs. Commissioner of Police and Others*,

6. On the other hand, learned counsel for the State argued that no ground for quashing of FIR is made out in the present case and the instant petition is liable to be dismissed.

7. I have heard the arguments of learned counsel for the parties.

8. From the reading of the FIR, it is evident that there is no specific allegation of any act against petitioners Nos. 2 and 3, which constitute offence u/s 498A, I.P.C. I am satisfied that these two persons have been falsely implicated in the present case, who were minors at the time of marriage and even at the time of lodging the present FIR. Neither of these two persons was alleged to have been

entrusted with any dowry article nor they alleged to have ever demanded any dowry article. No specific allegation of demand of dowry, harassment and beating given to the complainant by these two accused has been made. The allegations made are vague and general. Moreover, it cannot be ignored that every member of the family of the husband has been implicated in this case. The initiation of criminal proceedings against them in the present case is clearly an abuse of the process of Court.

9. In view of the aforesaid discussion, I allow the instant petition and quash FIR No. 21 dated 9-8-1997, registered with Police Station Sadar Khanna u/s 498A, I.P.C. qua petitioners Nos. 2 and 3. However, the prayer regarding quashing of FIR qua petitioner No. 1 is declined.