
(1991) 02 P&H CK 0102

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 8977-M of 1990

Darshan Lal and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-02-1991

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (1991) 2 DMC 495

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

Bench : Single Bench

Advocate : P.S. Saini, for the Appellant; Surinder Lamba, for the Respondent

Judgement

G.S. Chahal, J.—Darshan Lal, alongwith his two brothers, Kashmiri Lal and Kasturi Lal, has come this Court for quashing of the First Information Report No. 1015 dated 17.11.89, Police Station City, Karnal, u/s 406 of the Indian Penal Code, registered on the application of Smt. Krishna Devi respondent No. 2 wife of Darahan Lal Petitioner.

2. According to the allegations made in the application addressed to the Station House Officer, Police Station City, Karnal, Smt. Krishna Devi had alleged that she was married to Darshan Lal. Out of this wedlock five children were born. Her parents had given sufficient dowry, including gold ornaments but her husband and other members of his family, moulding his two brother/ Kashmiri Lal and Kasturi Lal, were not satisfied with the same and had been making further demands from time to time. She was subjected to cruelty on account of not bringing sufficient dowry. They had been collecting dowry items. Her brothers purchased a plot in the name of Darshan Lal and his brothers at Panipat but the same did not satisfy their lust. Her brother, in order to make her happy then built the house on the same plot, by spending Rs. 60.000/-. The construction of this house changed the attitude of her in-laws, but they again started harassing and maltreating her. They had even been abetting her to commit suicide. About two months after the construction of the house, Darshan Lal and his brother gave

beating to the complainant and turned her out of their house and they retained her Stridhan. Even Panchayat was ineffective. Darshan Lal and others then started living at Ambala P.2. City. The house at Panipat was got sold by Darshan Lal by putting up some imposter as Smt. Krishna Devi. All the articles were removed by Darshan Lal and Kasturi Lal, that are being kept concealed.

3. The petitioners have averred in the petition that a sister of the petitioner, Smt. Soma Devi was married to Krishan Lal. Smt. Soma Devi was murdered by the brothers of the complainant. They were tried for that offence, but were acquitted. An appeal is pending in this Court. This fact is not refused. The occurrence leading to the death of Smt. Soma Devi appears to have disrupted the married life of Smt. Krishna Devi complainant and Darshan Lal. There is a contradiction with respect to the ownership of the plot of the house at Panipat. In the earlier part of the complaint, it is alleged that this plot was purchased and the house was constructed by the brothers of the complainant. In the later part of the complaint, she claims that she was the owner of the house and the sale was got effected by putting up some imposter, as Krishna Devi. The petitioners, other than Darshan Lal should get the benefit of this contradiction. It appears that Kashmiri Lal and Kasturi Lal have been impleaded by making vague allegations of keeping her Stridhan and removing the dowry articles. Then case is distinguishable from that of Darshan Lal, while with respect to Darshan Lal, the allegations are specific which deserve to be considered in a criminal trial, Kashmiri Lal and Kasturi Lal have been dragged into litigation to wreak vengeance. This amounts to abuse of process of law. I hereby accept the criminal miscellaneous and quash the impugned FIR and the consequent proceedings qua Kasturi Lal and Kashmiri Lal. The criminal miscellaneous is disposed of accordingly.