
(1993) 08 P&H CK 0085

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 4663-M of 1993

Lalita Sharma and anr.

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 02-08-1993

Acts Referred:

Citation : (1993) 3 AICLR 777 : (1993) 3 RCR(Criminal) 498

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

Advocate : V.K. Kataria, Mehtab Singh, Advocates for appearing Parties

Judgement

G.S. Chahal, J.

1. Lalita Sharma and her husband Krishan Kumar, who had since died, brought a petition under Section 482 Cr.P.C. for quashing of FIR No. 4 of 1993 dated Jan. 17, 1993 registered at P.S. Tarn Taran for offences under Sections 498A, 506, 23 IPC and 3/4 Dowry Prohibition Act.

2. Krishan Kumar having died, his name was deleted from the array of petitioners. Lalita Sharma petitioner is the sister of Arvinder Kumar who was married to Ramesh Kumari, daughter of Jagdish Rai. Ramesh Kumari having moved an application to the SHO P.S. Tarn Taran, the impugned FIR was registered. The allegations as contained in the complaint may be briefly stated :

Ramesh Kumari was married to Arvinder Kumar on Feb. 22, 1992. After a month of the marriage, Arvinder Kumar started giving beatings to the complainant and told her that she had not brought good dowry at the time of marriage. Arvinder Kumar's mother Sheela Wanti father Bhisham Dev and sister Lalita taunted and harassed her. Krishan Kumar, husband of Lalita used to come and persuade Arvinder Kumar and his parents and also used to give threats to Ramesh Kumari and her parents. For three months, she had been given beatings. She narrated this incident to her brother Ramesh Kumar and his wife when they came to see her on March 21, 1992. When her brother talked to Arvinder Kumar's mother, he was told that Scooter etc. had not been given in dowry. She then returned to her

parents" house in the company of her brother. Arvinder Kumar had told her not to return till he himself came to take her. Having waited for long time, her father accompanied by others visited Bhatinda on October 3, 1992 and after joining the go between Jagdish Rai, he went to the house of Shish Pal Sharma and sent for Bhisham Devi to that house and inquired from him as to why his daughter had not been brought back for all these months. A decision was then taken to take Ramesh Kumari back to the house and on Oct. 7, 1992 Arvinder Kumar came to Tarn Taran and took her to Bhatinda. At Bhatinda, Krishan Kumar told Arvinder Kumar and his mother that Ramesh Kumari be called upon to bring money from her parents for the purchase of the plot and that since he had a say in Government, they may beat her as much as they like Krishan Kumar had also given out threats to the sons of Jagdish Rai that they should stop visiting the house of Arvinder Kumar otherwise they will be finished. When the brother and sisterinlaw of Ramesh Kumari visited Ramesh Kumar's house on Lohri festival along with parents, Arvinder Kumar and his parents told them that they had not given the scooter in dowry and not fulfilled their demand, hence they should pay rs. 70,000/ for scooter and other articles of dowry. On Jan. 17, 1993, Arvinder Kumar after giving beatings to Ramesh Kumari accompanied her to Tarn Taran so as to force her parents to give more money. On reaching Tarn Taran, he again gave her beating, but her brother and father having intervened, she was saved. That the articles of dowry were still in the possession of Arvinder Kumar and his mother and they had misappropriated the same. That Arvinder Kumar along with his sister and parents had conspired to make the demand.

3. So far as Lalita Sharma petitioner is concerned, there is only a vague statement of her having joined hands in giving beatings to the complainant soon after the marriage. Not only that this is a vague statement, this occurrence is alleged to have taken place at the inlaws house of the complainant which is situated at Bhatinda and, if any, offence was committed, it could only be inquired into at Bhatinda. The police at Tarn Taran has no jurisdiction to investigate this matter. For settling her dispute with her husband Ramesh Kumari has implicated the present petitioners by making a vague allegation of her giving beatings soon after the marriage, A married sister has hardly any part to play in the married life of her brother. Considering the nature of allegations made against her husband Krishan Kumar, it appears that to wreak vengeance against Krishan Kumar as well as against Arvinder Kumar, Lalita Sharma has been implicated in this FIR. I accept the plea of the learned counsel for the petitioners that the criminal process has been used for wreaking vengeance and the FIR has been lodged with an ulterior motive. This will amount to abuse of the process of the Court.

4. I hereby accept the petition and quash the FIR and all consequent proceedings qua the petitioners. This petition stands disposed of.