

Raj Kumar and anr. Vs. the State of Punjab and anr.

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Court : Punjab and Haryana

Decided On : Mar-21-2007

Reported in : (2007)146PLR470

Judge : Satish Kumar Mittal, J.

Appellant : Raj Kumar and anr.

Respondent : The State of Punjab and anr.

Disposition : Petition allowed

Judgement :

Satish Kumar Mittal, J.

1. This order shall dispose of three Crl. Misc. petitions filed under Section 482 of the Code of Criminal Procedure, Crl. Misc. No. 40292-M of 2003 has been filed by petitioners Raj Kumar and his wife Sud-harshan Bali, Crl. Misc. No. 480-M of 2004 has been filed by petitioners Kishore Chhibber and his wife Smt. Romi Chhibber and Crl. Misc. No. 7057-M of 2004 has been filed by petitioner Dolly Datta. These petitions have been filed for quashing F.I.R. No. 60 dated 13.4.2003 registered under Sections 406/498A/506/420/34 I.P.C. at Police Station City, Phagwara, District Kapurthala and all the subsequent proceedings arising therefrom.

2. The aforesaid F.I.R. was registered on the complaint made by Ravi Sharan Mehta, father of Ramita against the husband of Ramita, her mother-in-law, sister-in-law and the petitioners. The petitioners Raj Kumar and his wife Sudharshan Bali are the Massar and Massi, whereas Kishore Chhibber and his wife Romi Chhibber are the uncle and Aunti of Nitin Chhibber. Petitioner Dolly Datta is the unmarried cousin sister of the husband. In the F.I.R., the allegations of harassment and demand of dowry have been levelled against the husband, mother-in-law and sister-in-law (accused Nos. 1 to 3). Against the petitioners, who are the distant relatives of the husband, it has been alleged that they were the middlemen in the marriage and had actively participated in the same. It has also been alleged that the dowry articles were given to all the accused at the time of marriage which were subsequently not returned to the wife. It has been further alleged that accused No. 1 to 3 demanded the dowry through the petitioners.

3. The petitioners have filed this petition alleging therein that they have nothing to do with the alleged demand of dowry and the alleged harassment caused by the husband and his family members to the daughter of the complainant. It has been alleged that soon after the marriage the daughter of the complainant left for U.K. along with her husband and started living there. She is still living there. The husband and his family members are also residing there. It is alleged that in the year 2003, a divorce decree was passed between the husband and wife. They have settled their disputes on the basis of a compromise and now they are living separately in England. A copy of the decree of divorce passed by the Brentford Country Court, Brentford has been placed on record. It is stated that all the allegations levelled by the father of the wife against the petitioners are totally false and concocted and have been levelled with motivation because accused No. 1 to 3 are residing in England. It is stated that as far as the petitioners are concerned, they have nothing to do with the matrimonial affairs of the husband and wife, as they are living in England after the marriage since 2000. In these facts, a prayer for quashing of the F.I.R. has been made being abuse of the process of the Court.

4. I have heard the counsel for the parties and gone through the contents of the F.I.R. as well as the reply filed by respondent No. 1.

5. During the pendency of the petition, petitioner No. 1 Raj Kumar in CrI. Misc. No. 40292-M of 2003 has died and his wife Sudarshan Bali (petitioner No. 2) was found innocent during the police investigation and was kept in column No. 2. No reply has been filed by the complainant. Counsel for the complainant, who is present in the court, could not controvert the factum of mutual divorce granted to the husband and wife by Brentford Country Court, Brentford. He also could not controvert the alleged compromise between the parties before the Brentford County Court, Brentford, a copy of which has also been placed on record by the counsel for the petitioners. It has also not been controverted that accused No. 1 to 3 are residing in England. In the F.I.R., the allegations of demand of dowry and harassment are alleged to have been made against accused No. 1 to 3. As far as the petitioners are concerned, it has been alleged that they were the middlemen at the time of the marriage and had also actively participated in the marriage. Though it has been alleged that the dowry articles were handed over to all the accused, but it has not been specifically alleged which articles were handed over to whom and at what time. The allegations in this regard are totally vague. Undisputedly, the petitioners are remotely related to the husband and their false implication in this case cannot be ruled out as generally the remote relations are falsely implicated in matrimonial disputes. It is also not disputed that soon after the marriage, the daughter of the complainant along with her husband and his family members went to U.K. and they are still living there. In view of these facts, in my opinion, the continuation of the aforesaid case against the petitioners is an abuse of the process of the Court. In *Rajinder Mohan Kashyap v. Om Parkash Sharma* 2005(1) R.C.R. (Criminal) 274, it has been held by this Court that it has become a tendency in the matrimonial disputes to implicate all the family members, even some times the remote relations, on the vague allegations. In similar circumstances, the F.I.R. was quashed in the said case.

6. In view of the aforesaid facts, these petitions are allowed and F.I.R. No. 60 dated 13.4.2003 registered under Sections 406/498A/506/420/34 I.P.C. at Police Station City, Phagwara, District Kapurthala, and all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioners.

