

Krishan Lal Vs. Devinder Kumari

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Court : Punjab and Haryana

Decided On : Nov-08-1990

Reported in : II(1991)DMC498

Judge : J.B. Garg, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 406 and 498A; [Code of Criminal Procedure \(CrPC\), 1973](#) - Sections 482

Appeal No. : Criminal Misc. No. 6670-M of 1988

Appellant : Krishan Lal

Respondent : Devinder Kumari

Advocate for Def. : Akash Jain, Adv.

Advocate for Pet/Ap. : S.P. Sharma, Adv.

Disposition : Petition allowed

Judgement :

J.B. Garg, J.

1. Krishan Lal the husband and seven other members of the family have moved this petition under Section 482 of the Criminal Procedure Code and have challenged a complaint instituted by Devinder Kumari the wife of Krishan Lal for

offences under Sections 406 and 498A of the I.P.O. pending in the Court of Shri S.P. Singh, Sub Divisional Judicial Magistrate, Kaithal.

2. In this case the marriage was admittedly performed on 14.4.1984 at village Pabnawa, tehsil Kaithal, district Kurukshetra. It has been alleged that the husband alone gave beatings to the complainant and that too in October, 1985. The husband is a driver. The learned Counsel for the petitioners has pointed out that it was not a case where dowry was demanded or that it has been concealed. On the contrary it has been pointed out that whatever articles of so-called dowry were left by the wife at the premises of her husband have been returned to her in proceedings conducted through the police of 29.10.1988 and a certified copy in this regard has also been placed on record. The learned Counsel for the petitioners has referred to *Inderjit Singh and Others v. Smt. Sushma Rani*, 1988 (1) Recent C.R. 527 where also the dragging in of other relations of the husband was disliked. During the course of arguments it has also transpired that maintenance pendente lite has been fixed for the wife and a petition for divorce is also pending.

3. After perusal of the petition and hearing it is held that it is a case of the abuse of the process of the Court in launching prosecution against Krishan Lal the husband and his parents Shankar Dass and Lajwanti and three other brothers Ramesh, Pappu and Gulshan etc. The conclusion is that the petition is accepted and the proceedings arising out of the complaint pending in the Court of Sub Divisional Magistrate, Kaithal are hereby quashed.

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