

**IN THE COURT OF BHAWNA BHARTI , PCS, CIVIL JUDGE
(JUNIOR DIVISION), JALANDHAR (UID No. PB00685)**

CIS Case No.	COMI-373-2021
CNR No.	PBJL03-016826-2021
Date of Institution	06.12.2021
Date of Decision	20.07.2026

- 1.Kulwinder Kaur aged about 56 years W/o Surinder Pal S/o Ram Parkash R/o H.No. 2001/8, Near Cananl, Adampur, Distt. Jalandhar.
- 2.Meenu aged about 34 year (date of birth 01.12.1987) W/o Prabhjit Singh, D/o Surinder Pal, R/o Village Khurdpur, PO Adampur, Bhogpur road, Adampur, PS Adampur, Disstt. Jalandhar.

.....Complainants

Versus

- 1.Prabhjit Singh S/o Bakhshish Singh,
2.Joginder Kaur W/o Bakhshish Singh,
3.Amandeep Kaur D/o Bakhshish Singh, all resident of Village Alamgir, PO Kala Bakra, PS Adampur, District Jalandhar, Punjab.

.....Accused

**COMPLAINT UNDER SECTION 498-A, 406, 509,34 OF
INDIAN PENAL CODE AND 66A IT ACT.**

Present: Clerk on behalf of counsel Sh. G.R. Palli, Advocate for the complainant.

ORDER:-

1. Arguments, on the matter of summoning of accused persons as named above, have been heard.
2. In brief, the version of complainant is that the complainant No.1 is mother of the complainants No.2. The complainant No.2 was married with the accused No.1 on 09.09.2012 at village khurdpur, Adampur, Jalandhar according to Sikh Religious Rites and ceremonies. The marriage function was performed at “Janta Palace”, Bhogpur Road Adampur, Jalandhar. The marriage is still subsisting and continuing. After

the solemnization of said marriage, both the parties lived as husband and wife at village Alamgir, Jalandhar. From this legal wedlock, a female child namely Ashleen Kaur was born on 23.10.2014, who is in the custody of the complainant No.2. At the time of marriage, the accused demanded specific articles. Therefore, the parents of the complainant No.2 had to give dowry articles including her Istridhan to accused as demanded by them shown in the list of articles. But these articles including her istridhan were never returned nor allowed her to use it, either on reaching her in-laws house, or on her demand. All these articles are still in the illegal possession of the accused. All these articles were entrusted individually and specifically to accused.

3. It is further submitted that soon after the marriage, all the accused took all the articles, istridhan and gold ornaments of the complainant No. 2 from her with criminal conspiracy with intention to not return the same. The complainant No.2 requested them several times to return the said articles but all in vain. Even she was not allowed to use her istridhan. Soon after the marriage, all the accused used to say that they had been getting offers for accused No.1 from rich families for his marriage, who was ready to accept their said demands of dowry. The accused No.1 demanding furniture, the accused No. 2 and accused No. 3 demanded two gold bangles for each. When she requested them, her parents already spent huge money on her marriage and that her parents cannot fulfill their said demand. On this, the accused turned out the complainant No. 2 from her matrimonial home several times after beating

and maltreating. Several panchayats were convened. Thereafter, the accused No.1 went to Dubai because he is well settled there. The complainant No.2 tolerating their inhuman behavior to save her matrimonial life. The accused persons were not providing medical treatment whenever she became sick. They used to pressurize her to bring the expenditure for her treatment from her parents. They also refused to give maintenance to complainant No. 2 and her minor child. On this her parents used to give her food, cloths, pulses, vegetables, flour and other daily necessities.

4. It is further submitted that in the year 2020, the accused No.1 came in India from Dubai. Then all the accused again continued their more demand of dowry articles from the complainant No.2. Soon after, the accused No.1 started demanding a Swift Car, the accused No. 2 and 3 demanded two gold bangles for each. In the month of May, 2021, all the accused demanded the above said same articles. On this, the complainant No. 2 refused to accept their said demands. Then, all the accused turned out the complainant No.2 along with her minor child from her matrimonial house after maltreating, abusing and insulting. Thereafter, her parents convened several panchayats but all the accused raised the same demands of articles as aforesaid and refused to keep her without said articles. Since then, the complainant No. 2 with her minor child has been residing in her parental house. Now, the accused No.1 and 3 Amandeep Kaur have been continuously abusing, uttering derogatory words and sending derogatory messages telephonically to complainants with the

intention to harass mentally, insult and humiliate her. The accused No.1 has been making obscene, dirty, threatening, insulting calls from his mobile phone No.7340740689 to mobile No.9872496195 and 9878163014 of complainants since 01.07.2021, 04.07.2021, 10.07.2021, 11.07.2021, 17.07.2021, 04.06.2021, 13.06.2021, 14.06.2021, 15.06.2021, 17.06.2021, 20.06.2021, 22.06.2021 and other calls. The accused No. 3 has been making obscene, dirty, threatening, insulting calls from her mobile phone No.9876792686 and 7814281326 to mobile No. 9872496195 and 9878163014 of complainants, since 08.07.2021, 04.06.2021, 05.06.2021, 10.06.2021, 11.06.2021, 12.06.2021, 14.06.2021, 15.06.2021, 20.06.2021 and other calls. The recording of the same is also with the complainants. Lastly, it is prayed that the accused may kindly be summoned under Sections 498-A, 406, 506, 509, 34 of Indian Penal Code and 66 IT Act, tried and punished according to law.

5. In preliminary evidence, the complainant examined the following witnesses:-

- Firstly, the complainant No.2 herself stepped into the witness box as CW-1 and reiterated all the facts mentioned in the complaint on oath verbatim.
- The complainant further examined Mohinder Ram as CW-2 and Kulwinder Kaur (complainant No.1) as CW-3, who corroborated the version of CW-1 i.e. complainant No.2.

6. After leading this evidence, learned counsel for the complainant closed the preliminary evidence. Learned counsel for the

complainant argued the matter and prayed for summoning of all the accused in terms of the complaint. Before deciding the present case, it is relevant to discuss the relevant law pertaining to issuance of process of summoning to the accused. It is settled provision of law that by issuing summons to the accused, the concerned Court has to be prima facie satisfied charges alleged against the accused. Hon'ble Supreme Court in **Pepsi Foods Ltd. v. Special Judicial Magistrate AIR 1998 Supreme Court 128**, has observed as under: -*“Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinize the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.”*

7. Further, **Fiona Shrikhande v. State of Maharashtra, AIR 2014**

SC 957, it was observed as laid down under:- *“11. We are, in this case, concerned only with the question as to whether, on a reading of the complaint, a prima facie case has been made out or not to issue process by the Magistrate. The law as regards issuance of process in criminal cases is well settled. At the complaint stage, the Magistrate is merely concerned with the allegations made out in the complaint and has only to prima facie satisfy whether there are sufficient grounds to proceed against the accused and it is not the province of the Magistrate to enquire into a detailed discussion on the merits or demerits of the case. The scope of enquiry under Section 202 is extremely limited in the sense that the Magistrate, at this stage, is expected to examine prima facie the truth or falsehood of the allegations made in the complaint. Magistrate is not expected to embark upon a detailed discussion of the merits or demerits of the case, but only consider the inherent probabilities apparent on the statement made in the complaint*

8. It can therefore, be reasonably inferred that while issuing summons a prima facie appreciation of evidence coupled with application of judicial mind needs to be carried out for a summoning order to be just an legal. In the present matter, this Court has to examine whether the very basic tenets and ingredients of alleged offence are being met by the complainant or not, while prima facie making out a case against accused.

9. Adverting to the complaint in hand, this Court is of the considered view that no case is made out to put the accused persons to trial for the alleged offences. The complainant has not placed on record

any convincing evidence to prima facie establish their allegations. As far as the offence under Section 498-A IPC is concerned, the allegations regarding dowry demands and maltreatment are largely general in nature. It has observed that certain demands as alleged by complainant have been attributed to the accused, the complaint does not furnish sufficient particulars regarding the specific dates, occasions and circumstances in which the alleged demands were made or the particular acts of cruelty committed by each accused. The allegation that the complainant was beaten and turned out of the matrimonial home on several occasions is also not supported by any medical or other independent evidence. The statements of CW-2 and CW-3 substantially reiterate the version of CW-1 and do not furnish any material particulars based upon their personal knowledge sufficient to independently substantiate the alleged acts of cruelty. With regard to Section 406 IPC, the complainant has referred to dowry articles and istridhan, the evidence does not satisfactorily establish specific entrustment of particular articles to a particular accused and subsequent dishonest misappropriation or conversion. As such, mere assertion that all dowry articles are in the possession of the accused, in the absence of specific and reliable evidence regarding entrustment and subsequent dishonest misappropriation, is not sufficient to establish a prima facie case under Section 406 IPC. It has also been alleged that accused No. 1 and 3 made threatening calls. The said allegation is also general in nature. The words constituting the alleged threat have not been brought on record in preliminary evidence, nor has it been shown that

such threat was intended to cause alarm to the complainants. Thus, the necessary ingredients of criminal intimidation as per Section 506 IPC are not prima facie established. Similarly, the allegations under Section 509 IPC are also vague. The complaint has simply described the calls as “obscene”, “dirty”, “derogatory” and “insulting”, without disclosing the specific words, gestures or acts allegedly committed by the accused or otherwise showing how the ingredients of Section 509 IPC and Section 66 of the Information Technology Act are attracted. Further, the alleged recordings have not been produced and proved at the stage of preliminary evidence so as to lend independent corroboration to the allegations.

10. Resultantly, keeping in view, the arguments advanced, fact presented, evidence adduced and observations of the Higher Courts, this court does not find any cogent reason to summon the accused persons. Accordingly, the present complaint stands dismissed and disposed off accordingly. File is ordered to be consigned to the Judicial Record Room, Jalandhar.

Pronounced in Open Court:

Date of Order: 20.07.2026

Kavita

(Bhawna Bharti)
Judicial Magistrate First Class,
Jalandhar/UID No . PB00685