

Present: Sh. Inderjot Singh Ld. APP for the State/applicant/complainant.
Sh. Navdeep Singh Advocate for the respondent/accused.

ORDER

This order of mine shall dispose of an application U/S 319 Cr.P.C. for summoning of (1) Khushi Bala (mother in law) resident of village Nikku Chak P.S Hajipur, Tehsil Mukerian, (2) Akshey Kaushal (brother in law) (Nandoya) son of Shiv Kumar (3) Shelly Sharma (sister in law) wife of Akshey Kaushal, Both residents of village Jhikla Surajpur P.S Damtal District Kangra (H.P.) and (4) Vinit Sharma (Mama Sahura) son of Murari Dutt resident of village Beh Mawa Tehsil Mukerian, District Hoshiarpur as additional accused.

2. The prosecution/applicant submits that complainant moved application against accused Deepak Sharma and the accused named in the subject cited above but the police has registered the case only against accused Deepak Sharma. Prosecution has examined PW1 Ritika Pandit complainant and specifically named the accused Deepak Sharma and the persons named in the subject cited above who all have demanded dowry including an amount of Rs.50 lacs for the purpose of starting business for accused Deepak Sharma and subjected her to cruelty on that account and also misappropriated the dowry articles so entrusted to them by the parents of the complainant. The complainant has further deposed in the court that due to non-fulfilment of the demand of Rs.50 lacs, the complainant was thrown out of the matrimonial home. However, the police has not involved the accused persons named in the subject cited being influential persons, rather the Investigating Officer joined hands with the accused party. Now sufficient evidence has come on record indicating the involvement of the above named accused persons in the commission of offence.

Hence this application.

3. Reply of application filed by respondent/accused by submitting that it is suppressed by the applicant/prosecution that before the registration of present FIR inquiry was duly conducted by the higher police officer and as the allegation leveled by the complainant were found to be false as nothing came against persons mentioned in the headnote of the application and so the remaining persons were found innocent. During the proceedings of this inquiry complainant party appeared before the inquiry officer also it is admitted that Chalan against accused Deepak Sharma was presented by the police in court. It is specifically denied that the persons mention of the application ever make any demand of dowry or for the amount of rupees 50,00000/-(fifty lakh) for the starting of the business by accused Deepak Sharma or subjected her cruelty on that account it is again specifically denied that said persons ever misappropriated the dowry articles whereas no dowry articles was ever interested to the said persons. Ffact regarding solemnization of marriage in a very simple manner has been admitted by inspector Dharminster Singh during his cross examination he is specifically admitted that the marriage was very simple and the photographs of marriage ceremony was not clicked. This witness also admitted during his cross-examination that nothing came on file that when, how, where and in which manner the alleged victim was subjected to mental as well physical cruelty by the accused persons. This witness further admitted that the complainant along with her child has left the matrimonial house at her own and further admitted that the entire dowry articles or other jewelry etc were handed over to the complainant and nothing was misappropriated by the accused. So for as occurrence dated 04.11.2021 is concerned, the same is also totally wrong and manipulated whereas accused Deepak

Sharma has filed a criminal complaint against complainant party which is also pending in the court of law. It is a general tendency in such like cases to roping the other family members in different cases by the wife with the intention to put pressure on the in-laws family members. There is no evidence came on file that any of the persons mentioned in the headnote of the application, as committed any offence for which these persons could be tried together with the accused. Hence prayer is made to dismiss the application.

4. I have heard learned counsel for parties and minutely gone through the case file.

5. After hearing the contentions of the learned APP for the State as well as learned counsel for the accused, this court of the opinion that prosecution examined PW1 i.e inspector Dharminder Singh who clearly deposed that during the investigation it was found that only accused Deepak Sharma committed offence u/s 498-A and 406 of IPC against the complainant and no other family members of the accused Deepak Sharma committed any offence against the complainant. Rather he frank enough to deposed that on 04.11.2021 Ritaka Pandit, Anil Keshav @ Tony, Ashutosh Sharma, Sunita Keshav, Vikram Sharma, Kavita Kiran Keshav, Vimal Indu Pandit by framing criminal conspiracy with each other committed house trespass by entering into the house of Deepak Sharma and caused hurt to family members of the accused and outraged the modesty of mother and sister of accused. He further deposed that Shally Sharma sister of the accused is residing at Mohalli with her husband. Proper investigation was conducted by the investigating officer. Even the report of SP Headquarter, Hoshiarpur shows that only accused Deepak Sharma committed offence against the complainant and no other person has committed offence against the

complainant. Even the account statement attached by the complainant also shows that only accused Deepak Sharma took ATM card of the complainant Ritaka Pandit and withdraw various money on various time from the account of the complainant. Even one account statement from 01.10.2019 to 31.10.2019 also shows that sum of Rs.1 lacs was transferred in favour of Khushi Bala from the account bearing No.00000020384235298 of Ritak Pandit. Even in the inquiry report statement of Shelly Sharma and her husband Akshey Kaushal was recorded. The said statements shows that Shelly Sharma and her husband Akshey Kaushal are residing at village Jhikla Surajpur P.S Damtal District Kangra (H.P.). It is further important to note that during the investigation it was came into picture that father of the complainant is professional photographer but inspite of that IO stated that no photographs of marriage was clicked by family of the complainant. Rather photographs placed on record shows that family members of the complainant are giving gold ornaments to Deepak Sharma accused only and some suites are handed over to father and mother of the accused Deepak Sharma. Father-in-law of the complainant has already been expired. So in these circumstances, this court is of the opinion that Shelly Sharma, Akshay Kaushal and Vinit Sharma are residing far away from the matrimonial house of the complainant. However, Khushi Bala (mother-in-law) of the complainant used to reside in the matrimonial house of the complainant. Even though the complainant levelled allegations against all the accused but these allegations are formal in nature and examination-in-chief of the complainant clearly shows that istridhan was handed over to accused Deepak Sharma and his father and mother only and Rs.50 lacs also demanded by the accused and his parents only. There is no role to play of the sisters and brothers-in-law and Mama of the accused. In these circumstances, application

U/S 319 Cr.P.C. for summoning of (1) Khushi Bala (mother in law) resident of village Nikku Chak P.S Hajipur, Tehsil Mukerian, (2) Akshey Kaushal (brother in law) (Nandoya) son of Shiv Kumar (3) Shelly Sharma (sister in law) wife of Akshey Kaushal, Both residents of village Jhikla Surajpur P.S Damtal District Kangra (H.P.) and (4) Vinit Sharma (Mama Sahura) son of Murari Dutt resident of village Beh Mawa Tehsil Mukerian, District Hoshiarpur as additional accused is partly allowed. Khushi Bala (mother-in-law) of the complainant resident of village Nikku Chak P.S Hajipur, Tehsil Mukerian is ordered to summoned u/s 498-A and 406 of IPC as additional accused. However, application for summoning Shelly Sharma (sister in law) wife of Akshey Kaushal, Akshey Kaushal (brother in law) (Nandoya) son of Shiv Kumar Both residents of village Jhikla Surajpur P.S Damtal District Kangra (H.P.) and Vinit Sharma (Mama Sahura) son of Murari Dutt resident of village Beh Mawa Tehsil Mukerian, District Hoshiarpur is dismissed. Any observation made during the decision of this application will not effect the merits of the case.

**Pronounced in the open Court :
22.09.2023**

Vipul Kumar
Stenographer-III

**Rajinder Singh Teji, PCS
Judicial Magistrate Ist Class
Mukerian
(UID No. PB0427)**

State vs. Deepak Sharma

Present: Sh. Inderjot Singh Ld. APP for the State/applicant/complainant.
Sh. Navdeep Singh Advocate for the respondent/accused.

Heard. Vide my separate detailed order of even date, application U/S 319 Cr.P.C. for summoning of (1) Khushi Bala (mother in law) resident of village Nikku Chak P.S Hajipur, Tehsil Mukerian, (2) Akshey Kaushal (brother in law) (Nandoya) son of Shiv Kumar (3) Shelly Sharma (sister in law) wife of Akshey Kaushal, Both residents of village Jhikla Surajpur P.S Damtal District Kangra (H.P.) and (4) Vinit Sharma (Mama Sahura) son of Murari Dutt resident of village Beh Mawa Tehsil Mukerian, District Hoshiarpur as additional accused is partly allowed as detailed therein. Summon to Khushi Bala as additional accused be issued for 27.10.2023.

Date of order: 22.09.2023

Vipul Steno,
Stenographer-III

**Rajinder Singh Teji, PCS
JMIC/Mukerian
(UID No. PB0427)**