

**IN THE COURT OF SH. GURNAM SINGH DHILLON,
ADDL. SESSIONS JUDGE, JALANDHAR. UID No.PB0195
(NRI Court).**

CIS Case No : CRR-421 of 2015
CNR No : PBJL01-011734-2015
Date of Institution: 02.09.2015
Date of Decision : 01.06.2017

Rajni wife of Sh. Raj Kumar, daughter of Sita Ram, resident of village Kangniwal, P.O. Hazara, Tehsil and District Jalandhar.

.... Revisionist

Versus

1. Raj Kumar son of Sh.Gurmail Ram, resident of village Dhilwan, P.O.Dakoha, District Jalandhar, at present residing at CONCILAZIONE-44/24060, CASTELLI CALEPIO, BERGAMO, ITALY.
 2. Surjit Kaur wife of Gurmail Ram;
 3. Gurmail Ram son of Milkhi Ram;
 4. Harbhajan Lal Duggal son of Gurmail Ram;
 5. Sandeep Kaur wife of Harbhajan Lal Duggal;
- Accused No.2 to 5 are residents of village Dhilwan, P.O. Dakoha, Tehsil and Distict Jalandhar.
6. Rani wife of Mulakh Raj, daughter of Sh. Gurmail Ram, resident of village Jandiala, Tehsil Phillaur, District Jalandhar.
 7. Kindey, sister-in-law of Harbhajan Lal Duggal, resident of Village Lakhpur Sahni, Tehsil Phagwara, District Kapurthala.

..Respondents

**Criminal Revision against the order dated
04.06.2015 passed by the court of Sh. Mandeep
Mittal, PCS, CJM, NRI Cases, Jalandhar.**

Present: Sh.O.P.Kangniwal, Advocate, counsel for revisionist.
Sh. Rajinder Badhan, Advocate, counsel for respondents
No.3 to 5.
Remaining respondents exparte.

Order:

1. This revision-petition has been filed by the complainant Rajni as she is aggrieved by the summoning order dated 04.06.2015 passed by the court of Sh.Mandeep Mittal, PCS, CJM, NRI Cases, Jalandhar, vide which her complaint under Sections 406, 498-A IPC against respondents-accused No.4 to 7 was dismissed, while respondents-accused No.1 to 3 were only summoned under Section 498-A IPC.

2. Brief facts of this case are that complainant Rajni filed this complaint under Sections 406, 498-A IPC against her husband Raj Kumar, his parents Surjit Kaur and Gurmail Ram, (respondents-accused No.2 & 3), her husband's brother Harbhajan Lal Duggal and his wife Sandeep Kaur, her sister-in-law Rani and one Kindey, sister of respondent-accused No.5 Sandeep Kaur, who is wife of respondent-accused No.4 Harbhajan Lal Duggal. The complainant alleged that she was married with accused No.1 on 06.02.2013 at Jalandhar. She alleged that the dowry articles worth ₹4,00,000/- were given by her parents by way of istri-dhan. Besides, the expenditure of ₹2,00,000/- was incurred on the marriage functions. The complainant alleged that the articles mentioned at Sr.No.1 to 8 in the attached list were handed over to accused No.1. The articles mentioned at Sr.No.9 to 15 were entrusted to accused No.2. The articles mentioned at Sr.No.16 to 20 were entrusted to accused No.3. The articles mentioned at Sr.No.21 to 24 were entrusted to accused No.4. The articles mentioned at Sr.No.25 to 27 were entrusted to accused No.5. The articles mentioned at Sr.No.28 to 33 were entrusted to

accused No.7, while the articles mentioned at Sr.No.34 to 38 were entrusted to all the accused jointly. The complainant alleged that the accused even after reaching the matrimonial home, did not hand over the said articles of istri-dhan to her. They misappropriated the said dowry articles.

3. The complainant also alleged that after the marriage, the accused were not happy with the quality and quantity of the dowry articles. So, they started teasing, taunting, ridiculing her. They started demanded a motorcycle and ₹9,00,000/- in cash. When the complainant failed to meet the said demand, the accused physically and mentally maltreated her. The complainant alleged that accused No.1 had good relations with accused No.7, so he maltreated her. The accused No.1 beat up the complainant under the influence of liquor almost every night. The accused No.2, 5 & 7 pulled hair of the complainant and called her inauspicious for the in-laws family. The accused Gurmail Ram and his son Harbhajan Lal Duggal physically and mentally tortured her and even beat her up. The accused No.6 tortured her while making telephone calls and by using absurd language. The complainant alleged that the accused even tried to kill her by giving her electric shock. She alleged that she was beaten and turned out of the matrimonial home. Her parents arranged a panchayat, but the accused refused to rehabilitate her and threatened to kill her.

4. The complainant when leading preliminary evidence, herself entered the witness box and was examined as CW-1. Sita Ram, father of the complainant was examined as CW-2, while Ram Lal son of Mool Chand, resident of Gopal Nagar, Jalandhar, was examined as CW-3. Gurminder Kaur, Sarpanch of village Kangniwal, was examined as

CW-4. Thereafter, the complainant closed preliminary evidence.

5. The learned trial court vide the impugned summoning order dated 04.06.2015, only summoned accused No.1 to 3 to face trial for committing offence under Section 498-A IPC, while the complaint against accused No.4 to 7 was tacitly dismissed.

6. Aggrieved by the impugned order dated 04.06.2015, the complainant-revisionist filed this revision-petition, claiming the relief that all the accused be summoned for committing offences under Sections 406, 498-A IPC.

7. Upon notice, respondents-accused No.3 to 5 appeared through counsel Sh.Rajinder Badhan, Advocate and contested the revision-petition, while the remaining respondents-accused failed to appear to contest the revision-petition, so they were proceeded against exparte.

8. I have heard the learned counsel for the parties and have gone through the file carefully.

9. In so far as the accused No.4 is concerned, he is the married brother of accused No.1 Raj Kumar. He and his wife (accused No.4 & 5) had no concern with the dowry articles given to the complainant in her marriage. There was no reason why the articles mentioned at Sr.No.21 to 24 were handed over to accused No.4, while the articles mentioned at Sr.No.25 to 27 were handed over to accused No.5. The entire dowry articles could have been handed over to one person. The complainant has alleged specific entrustment with the intention of roping all the family members of accused No.1 Raj Kumar. The accused No.4 being adult married brother of accused No.1, he and his wife had no concern with the dowry articles. So, it is not understandable as to why they were delivered

possession of the same. Moreover, the marriage was solemnized on 06.02.2013. The instant complaint was filed on 24.12.2013. If the complainant had not been delivered her dowry articles by the accused No.4 & 5, there was no reason for her to have kept silent for a period of 10 months before filing the complaint. It is pertinent to note that the complaint was filed against accused No.4 & 5 only when relations between the complainant and accused No.1 were soured.

10. In so far as accused No.6 Rani is concerned, there is no allegation of specific entrustment of dowry articles to her. The complainant only alleges that accused No.6 made phone calls to her and indulged in absurd conversation. So, neither of the offences under Sections 406 & 498-A IPC was made out against her.

11. In so far as accused No.7 Kindey is concerned, she is remotely related to the complainant and accused No.1, in so far as she is the sister-in-law (wife's sister) of accused No.4 Harbhajan Lal Duggal. The accused No.7 is shown to be the resident of Phagwara. She had no concern with the dowry articles given to the complainant. So, the possibility of the dowry articles mentioned at Sr.No.28 to 33 being handed over to her, is remote and therefore, highly unbelievable. The complainant suspected her husband to be having some connection with accused No.7, so the complainant had roped in accused No.7. The allegations of commission of offences under Sections 406, 498-A IPC against her are unbelievable.

12. In the light of the above discussion, it is clear that the learned trial court rightly found the evidence against accused No.4 to 7 to be doubtful and therefore, the accused No.4 to 7 were not summoned.

13. In so far as accused No.1 to 3 are concerned, they are husband and

in-laws of the complainant. On the basis of the oral and documentary evidence led by the complainant, not only offence under Section 498-A IPC, but even offence under Section 406 IPC is made out against accused No.1 to 3, in so far as the entrustment and misappropriation of specific dowry articles is attributed to accused No.1 to 3. In these circumstances, the order passed by the learned trial court dismissing the complaint against accused No.4 to 7 is upheld. The revision-petition filed by the complainant is partly allowed, in so far as accused No.1 to 3 are ordered to be summoned under Sections 406 & 498-A IPC. The learned trial court is called upon to pass a fresh summoning order for summoning accused No.1 to 3 under Section 406 IPC also. Parties are directed to appear before the learned trial court on 10.07.2017 for further proceedings. Revision file be consigned. The file of the learned trial court be returned expeditiously with a copy of this order.

Pronounced in the open Court:
Dated:01.06.2017

*Vivek**

Gurnam Singh Dhillon,
Additional Sessions Judge,
Jalandhar (UID No.PB0195)
(NRI Court)