



201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16810-2023 (O&M)
Date of Decision: 06.05.2025

Hukum Singh and others

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shubham Aggarwal, Advocate, for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Anshul Jindal, Advocate, for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.504 dated 06.11.2022, under Sections 323, 406, 498-A and 506 IPC, registered at Police Station Sector-5, Panchkula, Haryana.

2. A true translated copy of the FIR which has been attached with the present petition as Annexure P-1 is reproduced as under:-

“I am Law-abiding Senior Citizen, resident House No.2644, Part 3, Sector 21, Panchkula, Haryana, My Daughter namely Rekha is a victim of great mental and physical atrocities at the hands of aforesaid persons and as such all her dreams of leading married life have been badly shattered from the date of marriage. The matrimonial life of my daughter with the help of friends and relatives but all goes in vain. Now, I have been left



with no other alternative except to report the following true facts and tragic circumstances sequence wise which my daughter had undergone during her stay in her matrimonial home, for your favorable consideration and for taking appropriate and immediate action against the aforesaid accused persons who are not only involved in the commission of aforesaid offences, but have intentionally ruined the life of my daughter with pains and sobbings after taking the law in their own hands without any fear from the society and law enforcement agencies. I would like to request with fervent hope that your good shelf shall to do the needful after persuing the facts and circumstances mentioned here as after :-

- 1. That the marriage of my daughter was solemnized with Joginder Pawaria on 16.02.2009 according to the Hindu rites and ceremonies in the presence of their near relatives and other friends and the marriage function was held at Sun Park Hotel, Zirakpur, Punjab. All the arrangements of marriage were arranged by me, as per the wishes of In-laws family of my daughter. It is pertinent to mention here that before the Marriage ceremony, the Engagement ceremony was also solemnized in June 2008 at Hotel Shiraj, Sector 10, Panchkula.*
- 2. That after the marriage, my daughter and her husband i.e accused No.1 started residing together as husband and wife at the above- mentioned address of Panchkula.*
- 3. That I was working as Government servant in the Harayana State Cooperative Apex bank Ltd and spent more than 25 lacs in the marriage and the marriage was solemnized with the great pump and show. As per the demand of the accused lot of gifts were given to the*



accused and his family members which includes Rs 81000/-as shagun gold ring and Gold chain given to accused no 1, gold ring to Mother-in-law i.e accused no 3, gold ear rings to sister-in-law i.e accused no 4, gold ear rings to sister-in-law i.e is Sudesh. Entire family was gifted other articles and clothes as well as in the milni as per their demand. The list of Articles/Gold Ornaments gifted by me to the accused persons is enclosed herewith for your kind perusal. The entire gold ornaments as well as belongings are still in the possession of her in-laws.

4. That after the marriage on the very first day, when the doli of my daughter reached to her matrimonial home,her mother-in-law i.e accused no 3 told her to handover all the gold jewellery to her and when my daughter showed her reluctance to the same then the mother-in-law started crying and started cursing for not gifting Car in the marriage and taunted my daughter that she was expecting her DOLL in dire car and created scene on the occasion. The sister-in-law of my daughter also taunted for not bringing sufficient dowry as per their expectation.

Thereafter on the instructions of Husband i.e the accused no 1, my daughter handed over all the Gold jewellery to her Mother-in-law. My daughter was not properly welcomed by her in-laws family.

5. That at first night she found that her bedroom was not even arranged what to talk of decoration as is expected by a newly wedded bride. Everything in the room was scattered all over and she had to arrange/clean her room on her own. All this was shocking for her.

6. That is the worthy to mention here that the Accused no. 1 went back to his workplace located in



*Gurugram on the very next day of the marriage and did not return back to home for next 2 months. The accused no. 1 even not used to talk with my daughter on phone call and he always ignored my daughter. Whenever my daughter called him, he disconnect the calls. Whenever he came to Panchkula, he always ignored to spent time with his legally wedded wife i.e my daughter and used to sleep with his mother in another room or terrace. That many a times accused no.1 used to lock my daughter in another room. The accused no.1 used to go to trips with his friends at different places but whenever my daughter asked him for trip, he used to say "**MERE PASS TERE LIYE KOI FALTU PAISE NAHI HAIN**"*

7. *That the accused persons started demanding various kinds of gifts from my daughter on various occasions and festivals, whenever my daughter used to buy some gifts, the mother-in-law i.e accused no 3 used to taunt her "**SARA GHATIYA SAMANUTHALATI HAI**".*

8. *That initially my daughter tried her level to make her husband i.e accused no.1 understands but accused no.1 was totally under his family control. The accused no.1 has no free will of his own and used to act under the influence of his family members. The family of accused always treated my daughter like servant and they always make fun of my daughter in front of their **Relatives and friends**.*

9. *That in December 2009, with the permission of her in laws family my daughter applied for an internal job posting i.e "Senior Quality Analyst" in Tech Mahindra where she was already working, with the hope of living together as husband and wife. On 15/02/2010 she got selected for above mentioned job in Tech Mahindra*



Company at NOIDA office. On 15/02/2010 my daughter decorated the room just to surprise her husband i.e accused no. 1 as 16/02/2010 was their first wedding anniversary and also she got selected for the job. But when my daughter told him about her selection for job, he shouted at her and slapped her and hit her head on wall and dragged her to washroom and hit her head on taps and strictly warned her that don't dare to think of leaving this house and specifically When the family member of the accused asked for the reason of crying and screams, accused no.1 explained them the reason and thereafter they all left the room and left alone my daughter for crying. After some time, the accused no.1 also agreed for the joining of the job of my daughter.

*10. In the month of March, 2010 my daughter joined the job at Noida and live in Noida and the accused no.1 used to do job in Gurugram and live in Gurugram only. On 01/04/2010 my daughter went to accused no.1 resident in Gurugram to wish him birthday with the flowers and gifts, but the accused no.1, instead of feeling happy he shouted at her with very abusive words for visiting his resident without his permission and specifically said **"JAHAN SE AAYI HAI WAHIN WAPAS CHALI JA, MERE SE PUCHE BINA YAHAN WAPAS NAHI ANA"***

11. That in the month of June 2010 when my daughter asked him to stay together at Delhi as it will be convenient for both of them to go to their office but the accused no.1 didn't show any interest in living together. Later on June it comes to the knowledge of my daughter from her mother in law i.e. Accused no. 3 that the accused no. 1 is only living in Panchkula and already resigned the job at gurugram. It was shocking for my



daughter. Therefore again with the hope of living together my daughter also applied for her transfer to Chandigarh and got transferred after 4 months, therefore accused no. 1 joined another job in Panchkula and preferred night shift duty. The accused no. 1 always ignored my daughter and run far- away from responsibilities. The accused no 1 also used to keep a picture of a girl on his mobile wallpaper, upon asking he told her that he only loved this girl and will love her till his last breath. It was shocking for my daughter.

12. *That my daughter always tried her best to make her matrimonial family happy and always do every sort of household but despite driving jobs for accused no. 1 but as the accused no. 1 is habitual of quitting jobs. He didn't show any interest in any of his jobs and said "**I CAN ONLY DO SITTING JOB, YE DRIVING WALI JOB MUJHE NAHI KARNI**". Therefore in the month of November 2019 my daughter started doing job in a restaurant in Australia, before joining the job,my son bears all the expenses of my daughter and her husband i.e. accused no.1. Even all the grocery, utility bills, rent etc were paid by son namely Amit.*

13. *When my daughter complained about the behavior of mother in law to her husband i.e accused no.1 he told my daughter that he had given his consent for marriage just because his parents were expecting hefty dowry from her father as he is working in government department and is having properties in Panchkula. The accused no.1 also taunted that the ring and the chain which is gifted to him are of lesser weight and of inferior quality. Her mother in law also taunted that "**GALAT RISHTA LE LIYA HMNE DAJ TOH KUCH VI NAHI DIYA ISKI MAA NE AUR NAA HI CAR DI SHADI ME**".*



14. That the accused no.1 kept the ATM card of my daughter with himself because of dominating nature and use to spend her hard earned money on trips, tabaco products and on gifts to her sisters and children. Whenever my daughter asked the accused no.1 about the spending. The accused no.1 used to beat her and specifically said **"TU KAUN HOTI HAI MERE SE PAISE KA HISAB MANGNE VALI"** the tortuous act of accused no.1 and his family members were increasing day to day and due to that my daughter had gone in mental trauma and under depression even she has visited psychiatrist located in sector 12 panchkula, then the mother in law accused no. 3 made fun of my daughter's condition and started taunting my daughter by saying **"MERI DAUGHTER WIDOW HAI USE TOH AAJ TAK DEPRESSION NHI HUA TU YAHAN FREE ME REHTI HAI, FREE KA KHATI HAI TUIHE KON SA DEPRESSION HO GYA."**

15. That the accused no.1 is of careless nature. Whenever he gets bored from job, he always left the job and sit idle at home only and the day-to-day expenses shifted upon my daughter. she was appaled to do 2/3 jobs a day for day-to day expenses and sometimes she was depended upon me for her own expenses. The accused no.1 never stick to one job, he keeps changing his jobs and sometimes sits jobless at home.

16. That the accused no.1 having a habbit of smoking. He used to spend a lot of money from the account of my daughter on purchasing tobacco products instead of asking care of day-to- day expenses. One day my daughter found one box of black material looks like Narcotics substance when my daughter asked about the



same the accused no.1 gave her blow on her face and told her to stay away from the matter.

17. That my daughter was forced to do every sort of house hold work for the entire family But the family of accused persons never accepted her as a daughter. Moreover there was lots of interference of the elder sister of accused no.1, namely Promila Malik i.e accused no.4 in the married life of my daughter. The sister-in-law namely Promila Malik always provokes the accused no.1 to cause harm to my daughter physically as well as mentally. It is worthy to mention here that sister-in-law has a dominating attitude and has a habbit of interfere in everyone's life unnecessarily. Whenever the sister in law namely Promila Malik used to stay in their matrimonial home, she always taunting her on the one pretext or the other by saying "AALO GOL NAHI KAATE HAI", "TAMATAR KA CHHILKA NAHI UTRA HAI" AND "SABZI TASTELESS BANI HAI" etc.

*18. That in the last months of 2012, the accused no.1 told my daughter that he undergone testicles operation and told her about medical problem that his sperm count is nil and can't produce a baby. It was shocking for my daughter as getting a baby will heal her condition but unfortunately hope goes wrong and the mother-in-law of my daughter requested my daughter to don't told anything about it and specifically said "**HAMARI BESSTI HOJAYGI SAMAJ MEIN**"*

19. That in the month of December 2012, I gave financial help to my daughter for purchasing of a plot at GHOLUMAJRA (Derabassi),so as to save her from daily taunts of her in laws. But even then, the accused persons create an issue that why the plot was not purchased in the name of accused no.1



20. That after that the mother in law i.e Accused No.3 requested my daughter to adopt for Insemination Procedures, my daughter objected the same as it is very painful treatment, thereafter the accused family started pressurizing and emotional blackmailing my daughter to adopt this procedure. After sometime, under the emotions my daughter agreed to adopt this procedure and thereafter in the month of July 2016 the accused no.3 took my daughter to Neelkanth Hospital Gurugram, and got my daughter pregnant through "DONOR SPERM" By Doctor Rubeina. But due to some medical reason's the baby's heartbeat was stopped after 3 months, my daughter had gone through mental trauma and depression at that time.

21. That in the month of December 2017, under the pressure of in law's family, my daughter again went through artificial pregnancy through "DONOR SPERM" From IRCC, Sector 17, Panchkula by Dr Kamla Chaudhary and gone through very painful procedure. Thereafter the accused family came to know that DNA of the child will not match with the father i.e accused no. 1. Then the accused persons pressurize my daughter to abort the child and pressurize my daughter to adopt the child of sister-in-law i.e Promila Malik i.e Accused No.4. But my daughter objected the same and the physical as well as mental cruelties of accused persons increased day by day. My daughter didn't get any support from accused no.1 and his family members. Daughter requested the accused no.3, that she (my daughter) want to quit one job as it is difficult for my daughter to do 2/3 jobs and household work together. But her mother-in-law i.e accused no.3 taunted her by saying **"WO (ACCUSED NO.1) TO KUCH KARTA NAHI, TU BHI JOB CHHOD DE, TUM KUCH KAR KE BHI KHAOGA YA**



NAHI, KAREENA KAPOOR KO DEKHLE, VO TO PURA TIME KAM KARTI HAI, BAS INDIA ME LOGON KO BAHANE CHAHIYE NAUKRI CHHODNE KA" And my daughter was not allowed to quit jobs.

22. That the mother-in law i.e accused no.3 started forcing my daughter to do household chores like Floor wiping and cleaning of toilets by saying that these are good exercises in pregnancies, sometimes my daughter applied VOLINI (Pain relief medicine) on her Back due to backache. Her mother-in- law used to taunt her **"VOLINI LAGA KAR KYA DIKHANA CHAH RAHI HAI, SARE GHAR MEIN SMELL KAR RAKHI HAI, MAR JA KAHIN JA KAR, KAL KI MARTI AJ MAR, HUME KOI FARAL NAHI PADTA"** During her pregnancy the doctor advice my daughter to have special diet including fruits and nuts which are beneficial for the child in the womb but her husband and mother-in-law never bought any fruits for her in the house.

23. That during the pregnancy, the accused persons never accompany my daughter to visit to tests, medical checkups etc, even till the 9th month she alone visited hospital and went to market for buying her medicines, daily usable items. She was mentally as well as physically harassed by the accused no. 1 and by his family.

24. That on 12.09.2018 my daughter was blessed with baby boy in IRCC Hospital, sector 17, panchkula but after 3 days my daughter lost her baby again, my daughter went in depression, mental trauma and broken emotionally, but the accused person was happy enough to enjoying pizza and cold drinks. During this difficult time my daughter was getting anxiety and panic attacks, but



no one was bother about her condition.

25. *That in the month of October 2018, my daughter again started a job because her mother in law taunted her by saying "VO TO KUCH KARTA NAHI, TU BHI GHAR BAITH GAYI, GHAR KA KHARCHA NHI HAI KYA, TERA BHI KHARCHA HAI KHANE KA, PEENE KA"*

26. *That the mother in law i.e accused no. 3 and sister in law i.e. accused no. 4 are having excessive interference in her in- law's family and after my daughters marriage her sister in law use to compel her to do all household chores. During her stay at her in-laws her sister used to stay for 3-4 days once in the fortnight and treat her like servant. Her mother in law and sister in law specifically told her that in case she wants to live in their house then she had to all things as per the wish of the family.*

27. *That in the month of February, 2019 my daughter even paid for dubai trip for accused no. 1 and also paid him for shopping also. The accused no. 1 and also paid him for shopping also. The accused gone to dubai alone and tried to convert his visa to stay there permanent but his visa did'nt get converted and he came back after one month.*

28. *That thereafter the accused no 1 and 2 started forcing my daughter to settle down the accused no. in Australia as my son namely AMIT (brother of Rekha) was already living in Australia. For the betterment of his matrimonial life and her own mental health my daughter agreed for the same. My daughter went to Australian tourist visa on 04.06.2019 to her brother Amit on the wishes of her in-laws she then applied for student visa in Australia and got her student visa on 09-09- 2019,*



thereafter, she called her husband i.e accused no. 1, Even all the grocery, utility bills rent etc. were paid by my son namely Amit.

29. *That in the month of march 2020 my son Amit arranged separated accommodation for himself and transferred the home lease in the name of my daughter (Rekha), even then my daughter had to bear all the expenses of household items, groceries, bills and rent etc. whenever the brother Amit and sister manju came to their house to meet my daughter the accused no. 1 always misbehave with them and always created scene just to lower the image of my daughter in front of her brother and sister. The accused no. 1 taunted many times by saying **"TU YAHAN LOGON KI KHATIRDARI KARNE AAYI HAI, YA PAISA KAMANE AAYI HAI"***

30. *That in the month of august 2020 the accused no.1 left my daughter in Australia all alone and moved back to India silently, and took all the medical certificates, medical records, and other documents of my daughter intentionally due to that the mental health of my daughter become worse in Australia. In month of October 2020 my daughter got treatment from psychologist namely Dr. Shireen das (Australia) just to keep herself healthy. The medical report is attached here with this complaint.*

31. *That there after I tried to mellow down the situation many times with folded hands and requested them to solve the matter and saving the marriage life of my daughter but the accused person were not in any mood to change their adamant behavior. The accused no. 2 (father of joginder pawaria) contact them.*

32. *That in the month of October 2020 the accused no.1 intentionally filed a divorce case so as to create a defence in his favor whenever a police case is filled*



against the accused persons. The case of divorce is pending in the Hon'ble court of Panchkula, Haryana.

*33. That it is worthy to mention her that gold ornaments as well as the belongings are still in the possession of accused persons. The original academic certificates, original medical records, ATM's Passbooks and cheque books of my daughter are also lying in the custody of accused person and gas connection is also running in the name of my daughter and the family of accused is still using the same. It is worthy mention here that registry of plot (Gholumajra, Derrabassi) which is in the name of my daughter is lying in the custody of accused person. The LIC of my son namely Amit is also in custody of accused person. The accused along with his family threaten me and my daughter that they will sell the plot by their own or they will take loan on that plot. The accused person also threatened me that they will misuse the documents and accused no. 2 specifically threatened me **"TUJHE AUR TERI LADKI KO MAI BAD ME DEKH LUNGA, AANE DE USE INDIA ME, BAHUT LINK HAI HAMARE, KHA GAYAB KARWA DUNGA KISI KO PATA BHI NAHI LAGEGA"***

34. That all the accused persons made the life of my daughter hell in matrimonial home, she was subjected to highest level of cruelty by the aforesaid accused persons both physically as well mentally. The aforesaid person have ruined her life completely. The accused no. 1 i.e husband of my daughter has no value for sacred relation and he is just puppet who used to act as per the guidelines of his family members.

35. That the acts and conducts of all the accused persons are inhumane and can't be condoned at all. My daughter has been harassed, maltreated, tortured by the



accused persons on account of their unjust repeated demands of dowry and to coerce the complainant to convince her parents to fulfill their demands and on her failure to oblige them in meeting their demands, they tortured her both mentally and physically, constitutes highest degree of cruelty and they have committed the offence punishable under the law.

Under these circumstances, I humbly request your good self to kindly take strict action against the above said accused persons at the earliest and to save my daughter, my family and property from them they be proceeded against for the offences committed by them and a case/FIR may also be registered against the above said cruel persons. I am ready and willing to provide other oral and documentary evidence, if required in the investigation. Thanking you in anticipation. Yours faithfully Ranbir Singh Deshwal.”

3. Learned counsel appearing on behalf of the petitioners submitted that the present FIR is liable to be quashed in view of the grounds taken in the petition and also the ground that the marriage between the parties has already been dissolved and thereafter, the complainant has lodged the present FIR.

4. On a query being raised to the learned counsel for the petitioners as to why the victim/wife has not been impleaded as a party as all the allegations as per the FIR are pertaining to his wife, although the FIR was lodged by her father and not by the wife, to which he could not give any satisfactory reply/reason for not impleading the wife as a party.

5. After hearing the learned counsel for the parties, this Court is of the considered view that whenever a petition for quashing of the FIR is to be



filed wherein the victim is not impleaded as a party, although the author of the FIR who is the complainant is impleaded as a party, the petition is not maintainable. No reason has come from the counsel for the petitioners as to why the victim has not been impleaded as a party except that she is not residing in India and is residing abroad.

6. This Court is of the considered view that the present petition is liable to be dismissed on the ground of non-joinder of necessary party.

7. Consequently, the present petition is dismissed.

06.05.2025
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No