

IPC S. 498-A, IPC S. 406 - Dowry Prohibition Act S. 4 - Application for grant of anticipatory bail - Rejected by Court of Additional Sessions judge - Additional Sessions Judge, Fazilka directed to again read the entire FIR carefully as well as the partition deed and submit an explanation on the following points:

(a) Whether the marriage of the petitioner was performed five years prior to marriage of the complainant and that too at a place which is about 300 Kms. away.

(b) Whether immediately after the marriage of complainant on 06.10.2011, a family partition took place on 11.06.2012, within a short span of eight months of the marriage of the complainant, between father-in-law Jagdish Chander Kalra and brother-in-law Rajinder Pal @ Deepak on one side and Manoj Kumar, husband of the complainant, on the other side and they divided all the moveable and immoveable properties.

(c) In the said family partition, no share was given to the petitioner being married daughter and if the petitioner did not raise any claim over her family properties for a period of eight years, whether there was an occasion for her to demand any dowry from the complainant at this later stage after 9 years.

(d) When S.S.P., Fazilka had issued direction to Investigating Officer, Women Cell, Abohar to conduct an inquiry and submit a report, in view of candid case of the petitioner that during the said inquiry, she was neither summoned under Section 41-A Cr.P.C. or given any notice, whether it presupposes that there was no specific allegation against her and without following the guidelines of Hon'ble Supreme Court laid down in [Arnesh Kumar v. State of Bihar, \(2014\) Scej 001](#), the petitioner has been arraigned as an accused in this FIR.

(e) Whether on a careful perusal of the FIR, except gifting an earring to the petitioner at the time of marriage of the complainant in 2011, there is any other allegation in the last nine years that the petitioner ever visited the matrimonial home of the complainant and made any demand for dowry or tried to influence the husband of the complainant on phone etc.

Exercising the suo motu powers, conferred under Section 482 Cr.P.C., Court issues a show cause notice to S.S.P., Fazilka, the Investigating Officer as well as complainant as to why the FIR be not quashed qua petitioner and a heavy cost be not imposed upon complainant and Investigating Officer for falsely implicating the petitioner in the FIR.

[# 2021 Scej 038 \(P&H\) \(Read here\)](#)