

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-16636 of 2015
DECIDED ON: MAY 20, 2015**

DES RAJ

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporter of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

JASPAL SINGH, J

Instant petition has been preferred under Section 482 Cr.P.C. by Des Raj-petitioner seeking quashing of FIR No. 65 dated December 26, 2011 under Section 498-A IPC registered at Police Station Women Cell, Jalandhar and all other subsequent proceedings arising therefrom.

2. Instant case has been registered on the basis of complaint moved to Commissioner of Police, Jalandhar by Meenu Bala-respondent No.4. After due inquiry conducted by SHO/Inspector Hardial Singh, Police Station Basti Bawa Khel, Commissionerate, Jalandhar, it has concluded that complainant-Meenu Bala was earlier married to Amarjit Dogra. He has expired in a road accident. Thereafter, she was married to Kewal Krishan but conduct of her in-laws was not satisfactory and the benefits of her husband

which are to be given to her were taken by her husband Kewal Krishan and father-in-law, Billu Ram and the pension which is to be available to her was got transferred by them in their favour. They have also misappropriated the money of ₹3,56,751/- which was in the name of her daughter. After getting everything in their name, Meenu Bala was thrown by them from the house. At that time she was subjected to beatings and mental torture. She was also pressurized to bring more dowry. During investigation it was established *prima facie* that Kewal Krishan, husband, Billu Ram, father-in-law, Des Raj s/o Billu Ram r/o Chan Rorian Tehsil Hira Nagar, District Kathua harassed and tortured her and created disturbance in her matrimonial life. They took away all the benefits received by her on account of death of her husband. During inquiry, opposite party did not appear in spite of number of reminders. Accordingly, FIR was registered against the petitioner, Kewal Krishan-husband, Billu Ram-father-in-law and investigation was put into motion.

3. The contention of learned counsel for the petitioner is that petitioner is brother of husband of complainant and he has nothing to do with matrimonial life of complainant, who is married to his younger brother. Moreover, a reading of FIR clearly shows that various allegations have been levelled but there is no specific attribution qua petitioner. Neither any demand of dowry was raised at the time of first marriage of complainant nor at the time of her second marriage with his younger brother. Petitioner has never given beatings to the complainant. He has been residing separately. It has further been submitted by learned counsel for the petitioner that he has been wrongly implicated in the instant FIR. Rather the fact of the matter is

that respondent No.4 is hostile towards him as well as his other members family. The past record of complainant-respondent No.4 also reveals that she is a quarrelsome lady and she intends to drag petitioner as well as other members of her in-laws family. Since the petitioner is separate in mess and residence from complainant/respondent No.4 and other members of husband of complainant and is also not going to be benefitted if any demand made by the husband of complainant or her father-in-law is met with. The FIR against the petitioner is an abuse of process of law and as such the same is liable to be quashed.

4. No doubt, it is pretty settled that where a criminal proceedings is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with some ulterior motive, the same can be quashed while exercising inherent powers provided under Section 482 Cr.P.C. as the same is nothing but an abuse of process of law or the power of competent authority. But at this stage no such opinion can be expressed. As far as contention of learned counsel for the petitioner that he is separate in mess and residence and has nothing to do with matrimonial life of complainant and her husband can be termed to be his defence. All such pleas or the defence can be taken by him during the course of trial. Much reliance can not be placed thereupon, at this stage. Moreover, FIR in this case has been registered after a thorough inquiry by senior officers of police.

6. Thus, this court is of the considered view that no ground is made out for quashing the FIR.

7. Dismissed.

MAY 20, 2015
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(JASPAL SINGH)
JUDGE