

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-27781 of 2013 (O&M)
Date of Decision: February 06, 2015

Sahi Ram and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arvind Bansal, Advocate
for the petitioners.

Mr.S.S.Pannu, Deputy Advocate General, Haryana
for the respondent-State.

None for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.291 dated 27.07.2012 under Sections 323, 506 and 34 IPC registered at Police Station Civil Line, Sonapat, charge-sheet dated 13.12.2012 and all subsequent proceedings arising therefrom.

Notice of motion was issued in this case and learned State counsel appeared, filed reply and contested this petition. Earlier, respondent No.2 appeared through counsel but later on, none appeared on behalf of respondent No.2.

At the time of arguments, learned counsel for the petitioners argued that earlier FIR under Sections 406 and 498-A IPC

against the present petitioners was registered, in which they have been acquitted as the witnesses have not supported the prosecution version. Thereafter, a case under Section 323 and 506 IPC was also got registered by the private respondent at Police Station Civil Line, Sonapat in August, 2011. Learned counsel for the petitioners further argued that in that case, FIR has already been quashed by this Court. Now again private respondent No.2 Ritu got registered the present FIR under Sections 323, 506 and 34 IPC by alleging that on 26.07.2012 at about 1.00 P.M., when she went to her in-laws' house at Indira Colony Sonapat, where her husband also lives with them and she asked them to help her in fees and expenses, then her father-in-law and mother-in-law infuriated themselves and beaten her with kicks and gave fist blows and slaps. Learned counsel for the petitioners also argued that respondent No.2 has been intentionally filing false cases time and again. He also contended that the petitioners have been implicated in the present case there being matrimonial dispute between complainant-respondent No.2 Ritu with her husband Tarsem Kumar. He argued that no such incident has taken place.

On the other hand, learned State counsel argued that no ground is made out for quashing of the FIR.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

As per the record, respondent No.2 Ritu was married with Tarsem Kumar on 19.02.1999. A matrimonial dispute arose between them. Then the couple started living together in a house at Panipat.

The petitioners and other family members did not have any connection with their domestic affairs. The husband of the complainant is residing separately in quarter No.B-3551 in Refinery Township, Panipat allotted to him by Indian Oil Corporation. The allotment letter has been placed on record as Annexure P-3.

At the time of arguments, it has been brought to the notice of this Court that respondent No.2-complainant has not got herself medico legally examined and there is no MLR to support the injuries under Section 323 IPC. Otherwise also, the petitioners are parents of husband of the complainant. As per the allegations, they are residing separately. The complainant has no occasion to go to the house of the petitioners asking for the fees and expenses when the matrimonial dispute is already going on between the complainant and her husband. Learned counsel for the petitioners has also argued that the affidavit of the owner of the house has been placed on the record as Annexure P-2 to show that the petitioners are living in a rented house in Indira Colony, Sonapat owned by Dharam Singh Rathi.

Keeping in view the facts of the present case, the earlier litigation between the parties, matrimonial dispute and quashing of earlier FIR by this Court and in view of fact that there is no corroboration to the allegations under Section 323 and 506 IPC and the fact that petitioners have already been acquitted under Sections 498-A and 406 IPC, I find that the registration of present FIR against the petitioners is nothing but abuse of process of the law.

Therefore, finding merit in the present petition, the same is

allowed. FIR No.291 dated 27.07.2012 under Sections 323, 506 and 34 IPC, charge-sheet dated 13.12.2012 and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

February 06, 2015
Vgulati

(INDERJIT SINGH)
JUDGE