

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

(116)

CRM-M-26749-2015

Decided on: October 16, 2015.

Vinod Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Mayuri Lakhanpal Kalia, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Petitioner-husband seeks quashing of FIR which was registered in the year 2010, under Section 498-A IPC at Police Station Kathgarh, District S.B.S. Nagar at the instance of his wife Jasbir Kaur alleging that she was married to petitioner on 04.02.2007. One son was born out of the wedlock. The complainant was tortured by the petitioner and his family members. They had allegedly given beatings to the complainant on the ground that the parents had given very less dowry articles.

Learned counsel for the petitioner has vehemently contended that there is delay in lodging of the FIR. The plea raised by the counsel for the petitioner is not sufficient enough to warrant quashing of FIR. The petitioner is alleged to have treated his wife with cruelty. He may be acquitted on the basis of appreciation of evidence by the trial Court or by the Appellate Court.

No ground is made out to quash the proceedings, at this stage.

Learned counsel for the petitioner submits that the complainant has already obtained ex parte divorce and re-married. The circumstance pointed out by the petitioner may constitute a ground to seek acquittal but on the basis of probable defence, the FIR and criminal proceedings cannot be quashed.

Petition is dismissed without prejudice to the right of the petitioner to seek acquittal. Since the FIR is of the year 2010, the trial Court is directed to expeditiously dispose of the trial, preferably within a period of six months after receipt of certified copy of this order.

(M.M.S. BEDI)
JUDGE

October 16, 2015
harsha