

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

**C.R.M-M No.31223 of 2015
Date of Decision : 15.09.2015**

Neki Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Khandelwal, Advocate
for the petitioner.

1. Whether Reporters 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?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has claimed that FIR No.218 dated 15.04.2015 registered under Sections 384, 389, 120-B IPC at Sadar Fatehabad and all other consequential criminal proceedings be quashed qua him.

The allegations in the FIR were that the petitioner alongwith one Lilu Ram and one Suman had foisted a false rape case on Mahinder Singh to extort money from him.

Learned counsel has argued that this case is a completely false allegation and actually version in the rape case is the correct version. As per him, the facts of the present case are covered by the dictum laid down by the Hon'ble Supreme Court in the case of *State of Haryana and others vs.*

Ch. Bhajan Lal and others, reported as *1992 AIR 604*, where their Lordships have held that an FIR which has been lodged only on account of personal vendetta can be quashed.

In my opinion, the argument of the learned counsel cannot be applied in the present case. Alongwith the petition the petitioner has annexed document Annexure P-3 which is a private complaint filed by the aforementioned Suman. In that complaint she has stated that the FIR was cancelled because she was forced to make an exculpatory statement before the Magistrate since her son was in the unlawful custody of the complainant in the present case. The argument is that the present FIR has been lodged against the petitioner only on account of personal vendetta. Learned counsel for the petitioner has had to admit that the allegations made in the FIR are not such which do not constitute an offence even if taken to be correct. Otherwise also, there are cases which have come to light where people have been falsely accused of rape only to extort money. At this stage, I am not in a position to come to the conclusion that the FIR which is now sought to be quashed is false.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

September 15, 2015
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(AJAY TEWARI)
JUDGE