

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37587-2015

Date of Decision: November 3, 2015

Surjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Puja Chopra, 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?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 175, dated 4.9.2015 (Annexure P-1), for the offence punishable under Section 354, IPC, registered at Police Station, Shimlapuri, District Ludhiana, and all the subsequent proceedings arising therefrom.

Learned counsel contends that the prosecutrix (name concealed) is daughter-in-law of the petitioner; the petitioner had disowned his son and the prosecutrix; civil litigation between the petitioner and the prosecutrix was going on in

which the prosecutrix did not file the reply; the occurrence was about one year old and after decision of the civil suit, the impugned FIR was lodged by the prosecutrix; two more complaints filed by the prosecutrix, were found to be false by the senior police officers on 19.5.2015; and that to take revenge from the petitioner, a false and frivolous complaint was lodged by the prosecutrix, on the basis of which the impugned FIR was registered.

I have heard learned counsel for the petitioner and gone through the material available on record.

The operative part of the First Information Report (Annexure P-1) reveals that office of the husband of the prosecutrix was at a little distance from his house. The petitioner and the prosecutrix used to live at the house. In the absence of his son, the petitioner used to enter into the room of the prosecutrix and would start obscene talks and even touched her body-parts. The matter was reported to the husband of the prosecutrix and he tried to make his father understand but of no avail. On 3.9.2015, when the husband of the prosecutrix had gone to attend his work, then in the afternoon, the petitioner entered into the room of the prosecutrix and touched her body-parts.

From the above averments in the First Information Report, *prima facie*, case for the offence punishable under Section 354, IPC, is made out against the petitioner.

The argument raised by learned counsel for the petitioner with regard to previous civil suits etc., would be appreciated by the investigating agency or during trial by learned Trial Judge. So far as alleged delay in lodging of the FIR is concerned, that by itself would not be a ground to quash the proceedings. Even otherwise, the last incident of sexual assault by the petitioner with the prosecutrix had occurred on 3.9.2015 and the matter was reported to the police on 4.9.2015.

No ground for quashing of the impugned FIR and subsequent proceedings arising therefrom, is made out.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

November 3, 2015
Pkapoor