

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

**Crl. Misc. No. M-43749 of 2014  
Date of decision : 01.07.2015**

**Meena @ Meenu & Ors.**

**..... Petitioners**

**versus**

**State of Haryana & Ors. \_**

**... Respondents**

**CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

Argued by: Mr. Gaurav Khera, Advocate  
for petitioner No.1 Meena.

Mr. Deepak K. Grewal, DAG Haryana.

Mr. Saurabh Dalal, Advocate  
for respondent No.2.

**ANITA CHAUDHRY, J. (ORAL)**

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No. 317 dated 23.09.2012, registered under Sections 406 and 498-A IPC at Police Station Sampla, District Rohtak, final report under Section 173 Cr.P.C, Annexure P-2 and subsequent proceedings, including charge-sheet, Annexure P-3.

The facts, necessary for disposal of the instant petition are being noticed first.

Complainant-respondent No.3 Meenu and her sister

Sanju were married to Amit and Vikas, respectively sons of Sanjit, residents of village Nandnaur on 04.11.2006. As per the allegations contained in the FIR, Amit, Vikas, father-in-law Sanjit, mother-in-law Krishna and Meena, sister of Sanjit were not satisfied with the dowry given in the marriage and they were harassed and maltreated and asked to bring more dowry. It was alleged that both the sisters were forced to bring Rs.2 lacs to repay the debt, but their father only managed to pay Rs.50,000/-. Both the sisters were turned out of the matrimonial home, but later were taken back. Panchayat were convened in which the accused tendered apology, but they did not mend their ways and maltreated them. They were beaten by their husband and kept on the roof naked for the whole night. Sanju fell ill, but was not provided any treatment.

On the basis of complaint made by Meenu, the case was registered. On completion of investigation, challan was presented against five accused, namely, Vikas, Amit, Krishna, Sanjit and Meena and the trial Court vide order dated 25.04.2013 charge-sheeted the accused under Sections 406 and 498-A IPC read with Section 34 IPC.

Though, the instant petition was filed by Meena @ Meenu, Sanjit Kumar and Krishana, but when the petition came up for hearing on 22.12.2014, a Co-ordinate Bench of this Court issued notice of motion qua petitioner No.1 only, who is Bua (sister of father-in-law).

I have heard learned counsel for the parties and have gone through the paper-book carefully.

Learned counsel for petitioner No.1 Meena Kumari has urged that she is the sister of the father-in-law and has been married for about 16 years and was living separately with her family at Panipat and had no concern with the matrimonial life of complainant and her sister. Reference has been made to ration card (Annexure P-4). Learned counsel had urged that the petitioners had no occasion to interfere in the married life of the couple and to settle scores and to widen the net, the complainant has been falsely implicated her by levelling vague allegations. According to him, no specific instance of harassment was given.

In the reply filed on behalf of the State, it has been averred that the case was registered against the accused and after due investigation and finding their involvement in the offence, final report was presented against them. It was also averred that charge has been framed against the petitioner and others.

No reply on behalf of complainant was filed. It has been contended by learned counsel for the complainant that the trial Court has framed charges against petitioner No.1 and the petition for quashing was not maintainable. It has further been contended that there are specific allegations against petitioner No.1 and she had rightly been charge-sheeted, as on her instigation Meenu and Sanju were harassed and maltreated and she often came to the

matrimonial home.

The question that arises is whether the FIR and the subsequent report under Section 173 Cr.P.C. and the order framing charge can be quashed in exercise of the powers under Section 482 Cr.P.C.

The Hon'ble Supreme Court in the case of **Kans Raj Vs. State of Punjab & Ors., 2000(2) RCR (Criminal) 695 (SC)**, had observed that a tendency had developed for roping all the relations in dowry cases and if it was not discouraged, it was likely to affect the case of the prosecution even against the real culprits.

In **Anita & Ors. Vs. State of Punjab, 2003(4) RCR (Criminal) 313**, when a first information report was lodged by the wife under Sections 498-A and 406 of the Indian Penal Code against the entire family members of the husband, this Court exercising its powers under Section 482 Cr.P.C. quashed the FIR and observed that there is a tendency to involve all the relatives of the husband when the relations between the husband and the wife become strained.

Similarly, in the case of **Harjinder Kaur & Ors. Vs. State of Punjab, 2004(4) RCR (Criminal) 332**, a criminal complaint was filed under Sections 498-A and 406 IPC against the husband, his parents and 5 sisters and the proceedings qua sisters were quashed as the allegations against the sisters were vague and exaggerated allegations had been made to rope in each and every relation of the

husband.

In **Arnesh Kumar Vs. State of Bihar & Anr. 2014(3) RCR(Crl.) 527**, the Hon'ble Apex Court observed that the fact that Section 498-A IPC is a cognizable and non-bailable offence had lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives and the simplest way to harass is to get the husband and his relatives arrested under this provision.

In the case of **Preeti Gupta & Anr. Vs. State of Jharkhand & Anr. 2010 AIR (SC) 3363** the Hon'ble Apex Court observed that a serious relook of the entire provisions of Section 498-A IPC is warranted by the legislation. It was observed that exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a very large number of cases. In that case the Hon'ble Apex Court quashed the criminal proceedings against brother and sister of husband, living separately.

In the instant case, from a perusal of FIR, it is abundantly clear that there are no allegations of entrustment of dowry articles to petitioner No.1 or that she had misappropriated it. Therefore, no offence under Section 406 IPC is made out. Coming to the offence under Section 498-A IPC, petitioner No.1 has placed on record ration card (Annexure P-4) issued on 31.03.2006 which shows her to be residing at Panipat with her husband and three daughters. Nothing

has been shown to show that petitioner No.1 was not residing separately at Panipat. In that view of the matter, it cannot be expected that petitioner No.1 was instrumental in harassment of complainant and her sister at the hands of Vikas and Amit. It has been alleged in the FIR that when the demand of accused to bring Rs.2 lacs to clear the debt, was not fulfilled, petitioner No.1 threw taunts at her. Further allegation against petitioner No.1 is that when both the sisters refused to get their share in the land of their father, she along with other accused had given beatings to them. It cannot be believed that petitioner No.1 would be a beneficiary from the alleged demand of Rs.2 lacs. No date or time of the said demand has been mentioned. In absence of any specific instance or overt act, she cannot be said to be conspired with other accused. The allegations insofar as petitioner No.1 is concerned, are omnibus and are general in nature and appear to be an outcome of frustration of the complainant. There is a general tendency to involve all members of the in-laws family in matrimonial disputes.

The plea of respondents about the non-maintainability of the petition can very well be answered by referring to **Satish Mehra Vs. State of N.C.T. of Delhi & Anr. AIR 2013 SC 506**, wherein it has been observed thus:-

“15. The power to interdict a proceeding either at the threshold or at an intermediate stage of the trial is inherent in a High Court on the broad principle that in case the allegations made in the FIR or the criminal

complaint, as may be, prima facie do not disclose a triable offence there can be reason as to why the accused should be made to suffer the agony of a legal proceeding that more often than not gets protracted. A prosecution which is bound to become lame or a sham ought to be interdicted in the interest of justice as continuance thereof will amount to an abuse of the process of the law. This is the core basis on which the power to interfere with a pending criminal proceeding has been recognized to be inherent in every High Court. The power, though available, being extra ordinary in nature has to be exercised sparingly and only if the attending facts and circumstances satisfies the narrow test indicated above, namely, that even accepting all the allegations levelled by the prosecution, no offence is disclosed. However, if so warranted, such power would be available for exercise not only at the threshold of a criminal proceeding but also at a relatively advanced stage thereof, namely, after framing of the charge against the accused. In fact the power to quash a proceeding after framing of charge would appear to be somewhat wider as, at that stage, the materials revealed by the investigation carried out usually comes on record and such materials can be looked into, not for the purpose of determining the guilt or innocence of the accused but for the purpose of drawing satisfaction that such materials, even if accepted in its entirety, do not, in any manner, disclose the commission of the offence alleged against the accused.”

Furthermore, in the case of **State of Haryana & Ors. Vs.**

**Ch. Bhajan Lal & Ors. 1991(1) RCR (Crl.) 383 (SC)**, the Hon'ble

Supreme Court had observed that where the proceeding is instituted with an ulterior motive or where the allegations made in the complaint are absurd and improbable, the Court would be within its power to quash the complaint/ FIR.

Thus, there is no legal impediment in exercising the powers under Section 482 Cr.P.C. considering the facts of the case where vague allegations have been made against petitioner No.1 and it warrants interference of this Court for quashing all the proceedings against her only with an object to meet the ends of justice and prevent the abuse of the process of the Court.

Therefore, in view of the discussion made above, the instant petition is allowed and the impugned FIR and consequent proceedings thereto, including charge-sheet, Annexure P-3 qua petitioner No.1 Meena @ Meenu are quashed.

**01.07.2015**

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**(ANITA CHAUDHRY)  
JUDGE**