

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

**CRM No.M-10948 of 2015  
Decided on: 30.01.2017**

Amit Kain

....Petitioner

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. Amit Chaoudhary, Advocate  
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Mr. Shiv Kumar, Advocate  
for respondent No.2.

**REKHA MITTAL, J. (Oral)**

By invoking Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') the petitioner prays for quashing of FIR No.206 dated 03.06.2014 for offence punishable under Section 498-A of the Indian Penal Code (in short 'IPC') registered at Police Station Saran, District Faridabad and proceedings emanating therefrom.

The sole submission made by counsel for the petitioner is that the allegations raised in the FIR are exactly similar to the one raised in the proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Counsel representing the State of Haryana and Sh. Shiv Kumar, Advocate counsel for the complainant would submit that the petitioner is the husband of the complainant against whom the complainant has raised specific allegations constituting offence

punishable under Section 498-A IPC. It is further submitted that for the purpose of deciding a petition seeking quashing of FIR, the Court can neither examine the truth or falsity of the allegations raised therein nor any defence plea that may be raised by the accused during trial.

I have heard counsel for the parties and perused the paperbook with their assistance.

Amit Kain is the husband of complainant Dolly Kain – respondent No.2. Marriage of the parties was performed on 15.04.2012 and the present FIR has been lodged just after two years of their matrimony. In “***State of Haryana and others vs Ch. Bhajan Lal and others***”, 1991(1) RCR (Criminal) 383, Hon'ble the Supreme Court of India has culled out certain principles to be kept in view while deciding a petition for quashing of FIR. No doubt, the Court has held that the High Court can exercise jurisdiction under Section 482 Cr.P.C. to prevent abuse of process of any Court or otherwise to secure the ends of justice but a word of caution has been prescribed by holding that the Court at this stage cannot analyze the correctness or otherwise of the allegations raised in the FIR.

When the facts and circumstances of the present case are examined in the light of authoritative enunciation of law laid down in ***Bhajan Lal's case (supra)***, I do not think it to be a fit case wherein intervention in exercise of inherent jurisdiction by this Court is warranted.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated in this order shall cause prejudice to right of the petitioner to raise all available pleas

before the trial Court.

30.01.2017  
*yakub*

(REKHA MITTAL)  
JUDGE

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|----|---------------------------|--------|
| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable:       | Yes/No |