

**In the High Court of Punjab and Haryana
at Chandigarh**

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CRM M 16205 of 2015 (O&M)
Date of Decision:11.01.2017

Subhash

---Petitioner

versus

State of Haryana and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vivek Singla, Advocate
for the petitioner

Mr. Amrik Narwal, DAG, Haryana
for the State

None for respondent No. 2

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Rekha Mittal, J. (Oral)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.') for quashing FIR No. 298 dated 08.07.2014, registered in Police Station Civil Lines, Bhiwani for offence punishable under Section 354-D IPC and 12 of the Protection of Children from Sexual Offences Act, 2012 and proceedings emanating therefrom.

The sole submission made by counsel for the petitioner is that the instant FIR is the result of counter-blast to the FIR registered at the instance of the petitioner for offence punishable under Sections 323, 342, 365, 506 read with Section 34 of Indian Penal Code vide FIR No. 299 dated 08.07.2014 (Annexure P3). It is argued that as Sumitra Devi wife of Satbir complainant in FIR No. 298 dated 08.07.2014 had an eye over the house of

the petitioner and wanted to purchase the house but the petitioner and his mother did not agree, the instant FIR has been lodged.

Counsel representing the State of Haryana, while refuting contentions of the petitioner has submitted that after thorough investigation of the instant FIR, challan has been presented in the Court, sufficient to negate plea of the petitioner that a false FIR has been registered against him. It is further submitted that at this stage, in exercise of jurisdiction under Section 482 Cr.P.C., the Court cannot go into question of truth or falsity of the allegations put forth by the complainant and tested during investigation.

I have heard Counsel for the parties and perused the paper book particularly various annexures appended with the petition.

As per the first information report lodged at the instance of complainant Sumitra Devi, occurrence in question took place on 06.07.2014 at about 4.13 in the evening whereas FIR No. 299 dated 08.07.2014 registered at the behest of the petitioner pertains to an occurrence that purportedly happened on 07.07.2014, though in the said FIR, there is also reference to an occurrence dated 06.07.2014 at about 4.00 pm in regard whereof a compromise is stated to have been arrived at. Perusal of the FIR registered against the petitioner and the one registered at the instance of the petitioner would not indicate that it was the petitioner who approached the police prior to complaint lodged at the behest of Sumitra Devi. Further more, in the FIR registered at the instance of the petitioner, there is no reference that Sumitra Devi-complainant ever approached the petitioner for sale of his house or she lodged the FIR by feeling frustrated in her efforts, in this regard. As has been rightly argued by counsel for the State, it is not within domain of the Court to examine correctness or falsity of the

allegations raised in the FIR at the time of exercise of jurisdiction under Section 482 Cr.P.C., to be used sparingly for achieving twin objects as envisaged by the provisions of Section 482 Cr.P.C. In this view of the matter, I find myself unable to be persuaded with the submissions made by counsel for the petitioner that the criminal proceedings initiated at the instance of the complainant amounts to an abuse or misuse of process of law or liable to be quashed in the interest of substantial justice.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated in this order shall prejudice either of the parties in the case pending before the trial Court.

(Rekha Mittal)
Judge

January 11, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No