

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

CRM No.M-31542 of 2016 (O&M)

Date of Decision: May 25, 2017

Priya Sodhi

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Piyush Kant Jain, Advocate,
for the petitioner.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Tushar Sharma, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Vijay Sodhi for quashing the FIR No.138 dated 10.08.2016 under Sections 457, 380, 447, 511, 506 and 120-B IPC registered at Police Station Division No.4, Ludhiana.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, challan was presented but the charges were stated to be not framed. The FIR was got

registered by Vijay Sodhi, father-in-law of the petitioner. As per the allegations, the complainant's son Karan Sodhi married petitioner Priya Sodhi in the year 2013. A matrimonial dispute arose between them and petitioner left for her parental house after about 2-3 months. She got registered an FIR against complainant's son under Sections 406, 498-A IPC and said case is pending before the Court. It is also in the FIR that Priya Sodhi also filed civil suit, domestic violence and maintenance related cases before learned JMIC, Ludhiana, upon which the maintenance was ordered to be tune of ₹7000/- per month against son of the complainant. As per the allegations, on 19.07.2016, the complainant and his family had gone to visit some relatives. At that time, in their absence, despite the house being locked, petitioner Priya Sodhi entered the house by climbing the wall of the house and entered the courtyard and since then, the complainant and his family has been staying at the house of relative. It is also in FIR the complainant's daughter-in-law by breaking the locks of the house after sunset, with a motive to commit theft and to take possession of the house, entered inside the house forcibly and had been threatening the complainant party by saying that she will ruin them.

Keeping in view the facts and circumstances of the present case, at this stage, in no way, it can be held that registration of FIR is abuse of process of law and amounts to miscarriage of justice. When the criminal cases and other cases are pending before the Court, the petitioner could ask the Court for right to residence in the house of father-in-law. The Court is to decide the right of daughter-in-law to reside. It is to be determined by the Court from the evidence whether she has any right in the house of father-in-

law or she was residing with her husband in some other house etc. The

petitioner cannot enter in the locked house by climbing the wall or by breaking the locks etc.

At this stage, in no way, it can be held that no offence is made out. The police after investigation has already filed the challan or report under Section 173 Cr.P.C.

In view of the above discussion, I do not find any ground to quash the FIR. Therefore, finding no merit in the present petition, the same is dismissed.

However, the petitioner is at liberty to raise all the points before the trial Court at appropriate stages of the trial.

May 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No