

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

**CRM No. M-36353 of 2015
Date of decision: 11.01.2017**

Arun Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dinesh Nagar, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for quashing of FIR No.64 dated 16.06.2008, under Sections 406/498-A/354/506 read with Section 34 IPC, registered at Police Station, Barara, District Ambala (Haryana).

Learned counsel for the petitioner has placed on record copy of the judgment dated 30.08.2014 (Annexure P-2) passed by the Judicial Magistrate, Ist Class, Ambala, whereby Asha and Yusufvir (parents of the present petitioner), who were facing trial in the same FIR, have been acquitted of the charges framed against them.

A perusal of the said judgment shows that in the complaint, Ex.PW2/A, filed by Sonu Sahota-complainant, it has been alleged that all the accused persons were entrusted with the dowry articles, which they have

misappropriated. The complainant was treated with cruelty by them. She

further alleged that her father-in-law had tried to outrage her modesty in the matrimonial home. When she went to the matrimonial home on 27.02.2007, all the accused persons asked her as to whether she had brought Rs.3.5 lacs for purchase of car or not. During evidence, she admitted that she went for a tour with all the accused persons for four days on 28.02.2007. The allegation that on 27.02.2007, a demand of Rs.3.5 lacs was made, has been found to be unbelievable because on one side, the complainant was levelling the allegations of cruelty and on the other hand, she had gone with the accused persons for an outing on 28.02.2007. Thereafter, she accompanied her husband to Shimla on 13.03.2007. She did not produce any receipt with regard to purchase of dowry articles by her family at the time of marriage. There were lot of improvements in the testimony of the complainant with regard to the allegations made in the complaint. The allegation of the complainant against her father-in-law that he had outraged her modesty, could not be proved as she failed to mention any specific date when he had molested her. Furthermore, there was unexplained delay of one year in filing of the complaint. With these observations, the trial Court has acquitted co-accused of the present petitioner vide judgment dated 30.08.2014 (Annexure P-2).

After going through the judgment of acquittal (Annexure P-2), the allegations of entrustment of dowry articles and demand of Rs.3.5 lacs by all the accused has not been found to be proved. Same allegations have been levelled against the present petitioner. In these circumstances, since there is no evidence available on record, which can lead to the conviction of the present petitioner, this Court is of the view that continuation of criminal proceedings against the petitioner would amount to an abuse of the process

of Court. Moreover, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.64 dated 16.06.2008, under Sections 406/498-A/354/506 read with Section 34 IPC, registered at Police Station, Barara, District Ambala, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands allowed accordingly.

11.01.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No