

CRM-M- 8231 of 2014

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 8231 of 2014

Date of Decision:27.4.2017

Seema

---Petitioner

vs.

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Veneet Sharma, Advocate
for the petitioner

Mr. Ankur Jain, AAG, Punjab

Mr. K.S.Mangat, Advocates
for respondent No. 2

Rekha Mittal, J.

By invoking Section 482 of the Code of Criminal Procedure(in short “Cr.P.C.”), the petitioner prays for quashing of FIR No. 15 dated 9.2.2013 under Sections 498-A, 406 and 323 of the Indian Penal Code (in short “IPC”) registered at Police Station, Khilchian, Amritsar Rural, District Amritsar and proceedings emanating therefrom.

Counsel for the petitioner has submitted that marriage of Narinder Kaur respondent No. 2 was solemnized with brother of the petitioner namely Manjinder Singh on 15.11.2005. Marriage of the petitioner took place in the year 2000 and she is residing separately with her husband and a son aged about 11 years. The petitioner had no concern with

the matrimonial life of respondent No. 2 and her husband and would not have gained in any manner had respondent No. 2 brought any dowry. It is further submitted that on reading of allegations raised in the FIR, no case for committing offence punishable under Sections 498-A, 406 and 323 IPC is made out against the petitioner, therefore, the aforesaid FIR and proceedings emanating therefrom are liable to be quashed qua the petitioner. In support of his contention, he has referred to judgments of Hon'ble the Supreme Court of India ***Omkar Nath Mishra and others vs. State (NCT of Delhi) and another 2008(1) RCR (Criminal) 336, Ramesh and others vs. State of Tamil Nadu 2005(2) RCR (Criminal) 68 and Preeti Gupta and another vs. State of Jharkhand and another 2010(4) RCR (Criminal) 45.*** Further reference has been made to judgment of this Court ***Ramandeep Kaur vs. State of Punjab 2001(4) RCR (Criminal) 394.***

Counsel representing State of Punjab assisted by counsel for the complainant would urge that the complainant has levelled specific allegations against the petitioner in the FIR registered after conducting due enquiry. On completion of investigation, challan was presented in the Court on 25.1.2014 and charge was framed on 14.2.2014 but the present petition was filed subsequent thereto without any reference much less challenge to the order framing charge. Two witnesses out of nine cited by the prosecution have already been examined and the trial is in progress. It is argued with vehemence that keeping in view specific allegations against the petitioner coupled with the stage of proceedings pending before the trial court, it is not a case for exercise of jurisdiction under Section 482 Cr.P.C. more particularly in the circumstances that disputed questions of fact are not

amenable to adjudication under Section 482 Cr.P.C.

I have heard counsel for the parties and perused the records.

Be that as it may, it is undisputed position of the case that the petitioner was charged for committing offence punishable under Sections 406, 498-A IPC in the year 2014 even prior to filing of the present petition. As per the settled position in law, after framing of charge, the High Court would be very slow in quashing of the proceedings though framing of charge may not create a complete bar for exercise of jurisdiction under Section 482 Cr.P.C.

In the case at hand, the complainant has raised specific allegations against the petitioner, real sister of her husband Manjinder Singh. A relevant extract therefrom reads as follows:-

“My marriage took place on 15.11.2015 with Manjinder Singh son of Harbhajan Singh caste Jat resident of Saido Lehal, Police Station, Tarsika. After some time of the marriage, my mother-in-law Gurmeet Kaur, husband Manjinder Singh, Baljinder Kaur and Seema sisters-in-law started harassing me in connection with bringing more dowry and gave me beatings and sent me to my parents house. After residing at my parents house for 10 months some relatives of my in-laws family came and asked for forgiveness regarding their mistakes and said that they should be given one opportunity to improve. They took me to my in-laws family at Saido Lehal. After coming to Saido Lehal, the same fights etc. continued

that we are owners of land and dowry has not been given as per our status and fraud has been committed with us. They continued to demand a car from me. I called my uncle Gurvinder Singh and brother Shamer Singh to village Saido Lehal and they tried to make my family understand but they did not understand and on the other hand, they (in laws) insulted them and they went back. After that my mother-in-law Gurmeet Kaur, husband Manjinder Singh and sister-in-law Seema again gave me beatings and said we need Rs. 1 lakh right now. On 25.8.2011, they again gave me beatings and sent me to my village Dhianpur. While living at Dhianpur also my sister-in-law Seema and husband Manjinder Singh used to harass me on telephone and are giving me threats to kill.

On due consideration of the materials on record and finding a prime facie case, the trial court framed charge against the petitioner. Though the petitioner filed the instant petition seeking quashing of the FIR subsequent to framing of charge but it appears that she intentionally withheld that information from this court in order to conceal a material fact. This observation gets fortified from the order dated 25.4.2014 whereby notice of motion has been issued. Counsel for the petitioner has not disputed that the prosecution has already examined two witnesses after the charge was framed.

Keeping in view the above, I do not think it to be a fit case

wherein intervention in exercise of jurisdiction under Section 482 Cr.P.C. is warranted even on the basis of judgments cited by counsel for the petitioner. To be fair, counsel for the petitioner has failed to draw any similarity between the facts involved in the cited cases viz-a-viz the case in hand, therefore, the petitioner cannot derive any advantage to her contentions from the referred authorities.

For the foregoing reasons, the petition fails and is accordingly dismissed leaving the parties to bear their own costs. However, nothing stated hereinbefore shall cause prejudice to either of the parties in the proceedings pending before the trial court.

(Rekha Mittal)
Judge

27.4.2017
paramjit

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