

CRM-M-8478-2015

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

CRM-M-8478-2015 (O & M)

Date of Decision:04.10.2017

Narinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Behl, Advocate,
for the petitioners.

Ms. Simranjit Kaur, AAG, Punjab.

Mr. K.S.Dadwal, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioners-Narinder Singh, Darshna Devi, Alka and Jagdeep Singh have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.100 dated 07.08.2014 (Annexure P-1), under Sections 406 and 420 of the Indian Penal Code, registered at Police Station Sadar, Hoshiarpur, alongwith all the subsequent proceedings arising therefrom.

Notice of motion was issued in this petition. Learned State counsel put in appearance on behalf of respondent No.1-State and respondent No.2 also appeared through her counsel. They contested the instant petition.

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

From the record, I find that FIR, in the present case, has been registered on the basis of complaint given to SSP, Hoshiarpur against accused-Narinder Singh, Darshna Devi, Alka @ Pooja, Jagdeep Singh, Anita Rani etc. As per the allegations, the complainant was married with Kashmir Singh on 04.07.2003. However, her husband died after one year due to some illness and no child was born from the said wedlock. As per the allegations, petitioner No.1-Narinder Singh took power of attorney from the complainant by fraud and sold her share of land and did not give her any money. It is also mentioned in the FIR that all the dowry articles are with the accused and they have misappropriated the dowry articles including fridge, T.V. Sofa set, bed etc. It is also mentioned in the FIR that the room which was given to the complainant for residence has been forcibly occupied by accused-Narinder Singh and Darshana Devi. After registration of FIR, challan was presented and charges were framed by the trial Court against the present petitioners and one witness has also been examined before the trial Court.

Perusal of the record shows that trial Court has already taken the cognizance and trial is going on. Learned counsel for the petitioners mainly relied upon the enquiry reports earlier given by the police on two complaints in which the inquiry officer mainly stated that the dispute is of civil nature. Perusal of the inquiry reports by this Court shows that the inquiry officer has nowhere discussed the misappropriation of dowry articles etc., rather in the first inquiry report, it is stated that the complainant

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is asking for share in the ancestral property and, therefore, it is a civil case. Perusal of the record shows that on the basis of these inquiries which are prior to the registration of FIR, no case is made out for quashing of the FIR. There is nothing on record to show that the registration of present FIR amounts to abuse of process of law and miscarriage of justice. Furthermore, as discussed above, the trial Court has taken the cognizance and on finding a *prima facie* case against the accused, charges have already been framed against them and trial is going on. No revision has been filed against the charge-sheet.

Keeping in view the above facts, no ground is made out for quashing of the FIR. Therefore, finding no merit in the present petition, the same is dismissed.

04.10.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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