

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

Sr. No.247

**CRM-M-10736-2015**

**Date of decision : 16.11.2018**

Gautam Dey and others

..... Petitioners

**VERSUS**

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Sachin Jain, Advocate, for the petitioners.

Mr. R.S. Bains, DAG, Punjab

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**SUDHIR MITTAL, J. (Oral)**

The petitioners seek quashing of FIR No.32 dated 17.2.2015 registered at Police Station Navi Baradari, Jalandhar City, under Sections 406, 420, 120-B IPC.

The aforementioned FIR came to be registered on a complaint filed by respondent No.2 that pursuant to an advertisement published on Shadi.com, she and her family members were contacted by the petitioners for finalization of matrimonial prospects. A betrothal ceremony was held on 26.1.2014, in which customary gifts were exchanged. Thereafter, the petitioners' family informed the family of respondent No.2 that they were not willing to move further towards finalization of the marriage and then became incommunicado. Thus, they have refused to finalize the marriage.

Learned counsel for the petitioners submits that vide written communicated dated 5.2.2014 (Annexure P1), the petitioner No.1 conveyed to the father of respondent No.2 that they felt that the match was not suitable for either families and therefore, they were not willing to proceed further with finalization of the marriage. The customary gifts exchanged were also listed in the said communication and the family of respondent No.2 was asked to collect the same. However, the said communication was responded

by a legal notice. The petitioners had no intention of cheating anybody and even today, they are willing to return the gifts received by them. The involvement of the police is abuse of the process of criminal law. Further, neither an offence under Section 406 nor an offence under Section 420 IPC is made out from a bare perusal of the contents of the FIR because, there was no inducement on the part of the petitioners. They had only responded to the advertisement put up by respondent No.2. Gifts were received by the petitioners in good faith and even today, they are willing to return the same in case the family of respondent No.2 comes forward and takes them back. Thus, there is no misappropriation also. Moreover, petitioner No.4 has already got married and so has respondent No.2 and thus, keeping alive, the FIR will not serve any useful purpose.

None has put in appearance on behalf of respondent No.2.

Learned State counsel, on instructions from ASI-Devi Chand also submits that even the police is not in touch with respondent No.2. After registration of the FIR, respondent No.2 has never appeared before the Investigating Officer nor has she got her statement under Section 161 Cr.P.C. recorded.

It is apparent from the facts of this case that the marriage proposal floated from the side of respondent No.2 has gone sour. A betrothal ceremony was held and customary gifts were exchanged, but immediately thereafter, the petitioners felt that they could not proceed further and solemnize a marriage. The family of respondent No.2, thus, felt offended and got the FIR registered. The petitioners received gifts given voluntarily by the family of respondent No.2. Neither there was any false inducement nor there was any criminal misappropriation. The petitioners

No.2 and her family members have failed to respond. Thus, there is no criminality involved in the entire transaction and registration of the aforementioned FIR is gross abuse of the process of criminal law.

The petition is accordingly allowed and FIR No.32 dated 17.2.2015 registered at Police Station Navi Baradari, Jalandhar City, under Sections 406, 420, 120-B IPC alongwith all consequential proceedings having arisen therefrom, is quashed qua the petitioners.

**(SUDHIR MITTAL)**  
**JUDGE**

**16.11.2018**  
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No