

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

1. CRM-M No.12110 of 2017 (O&M)

Anurag Singh

... Petitioner

Versus

State of Haryana & another

... Respondents

2. CRM-M No.34063 of 2017 (O&M)

Ganesh Pratap Singh & another

... Petitioners

Versus

State of Haryana & another

... Respondents

Date of decision: 1st December, 2018

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Shiv Kumar, Advocate for the petitioners.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent No.1/State.

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

FATEH DEEP SINGH, J.

The above detailed two petitions, both under Section 482 Cr.P.C. seeking quashment of the same very FIR bearing No.291 dated 02.05.2016 under Sections 498-A, 406 IPC pertaining to Police Station Sector 7, Faridabad along with all consequential proceedings, by different accused petitioners, one by Anurag Singh and the other by Ganesh Pratap Singh and Smt.Kiran Singh, both having been filed against the complainant Deepika Singh and State of Haryana, on account of

consanguinity of facts and law points and having arisen in the same very case, are being taken up and disposed off together. For brevity, the facts have been taken from CRM-M No.12110 of 2017.

Complainant respondent No.2 Deepika Singh made a written complaint (Annexure P2) wherein she alleged that her marriage with Anshul Singh was solemnized on 24.01.2015 wherein parents of the complainant had given adequate articles of Istridhan, money and spent huge amount on the wedding ceremonies. It is alleged that the accused side after the marriage, had demanded Rs.50.00 lacs and a Fortuner vehicle and on account of her resistance, as the complainant stated that her family had already given sufficient cash and articles, it is alleged that the husband and the present petitioners father-in-law Ganesh Pratap Singh, mother-in-law Smt. Kiran Singh and brother-in-law Anurag Singh started harassing her and often taunted and abused her and at times gave her beatings. The complainant claims that she was denied food and clothing and thus, was physically and mentally tortured. On return to her parental house, the complainant brought the matter to the knowledge of her parents and after a telephonic talk between the two sides, the complainant came back to her matrimonial home but their conduct did not change and ultimately on 14.02.2016 she was thrown out of her matrimonial home after physical abuse. Thus, it was on the complaint,

the present case was got registered against three petitioners and the husband.

Learned counsel for the petitioners inter alia contends that petitioner Anurag Singh happens to be younger brother of the husband of the complainant, who was working and posted in Karnataka and further he had no role to play in either the physical or mental harassment of the complainant as he never resided with his family on account of his posting. Petitioner Anurag Singh claims that he is unmarried and thus allegations and insinuations levelled against him were figment of imagination. Petitioners Ganesh Pratap Singh father-in-law and Kiran Singh mother-in-law have claimed that they were aged parents and have been falsely implicated on account of revenge and vengeance by their daughter-in-law. It is averred that a bare perusal of the FIR reflects that no role is attributed to them in commission of the offence as there is neither any specific instance of cruelty, harassment, demand of dowry or having ever committed criminal breach of trust qua the articles of Istridhan of the complainant. The petitioners have sought quashment of the FIR and all consequential proceedings arising therefrom.

The State in its reply, besides taking preliminary objections of non-maintainability of the petition and that the trial was underway, on merits has taken the plea that the petitioners are not entitled to exercise of

extraordinary jurisdiction of the Court and has termed each and every averment of the petition to be a figment of imagination, contending further that specific role has been attributed to each of the petitioners in commission of the offence and which is under trial and therefore, it would be inappropriate to quash the proceedings.

On behalf of respondent No.2, no reply was filed.

Heard Mr. Shiv Kumar, Advocate for the petitioners; Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana representing the respondent No.1/State; Mr. Rajiv Sharma, Advocate on behalf of respondent No.2 and perused the records of the case.

Admittedly, petitioner Anurag Singh happens to be the unmarried younger brother of husband of the complainant and it is also not displaced by any means that he is living in Karnataka, far away from where the accused are residing. As has been argued by the petitioner side, a close look at the allegations levelled in the FIR shows that neither there is any specific role attributed to petitioner Anurag Singh in demand of dowry or having been ever entrusted with any article of Istridhan by the complainant side. There are, as has been detailed in the submissions of the petitioner side, only vague and ambiguous allegations against petitioner Anurag Singh. It has been rightly contended by learned counsel for the complainant Mr. Rajiv Sharma, Advocate that it is the admitted

stand of the petitioner that the mother-in-law and father-in-law were residing with the couple and that the father-in-law and mother-in-law, as is detailed in the allegations, had abused and taunted the complainant and gave her beatings and even she has been denied food and clothing. When it is the admitted stance of the complainant side that the younger brother of husband of the complainant was employed and working at a great distance, in the State of Karnataka and therefore, the Court needs to be more vigilant and scrutinize the stand of the complainant and evidence collected during the investigation over the role attributed to the younger brother of the husband of the complainant.

This Court seeks support and places reliance on '**Geeta Mehrotra & another vs. State of U.P. and another**' 2012(4) RCR(Criminal) 812 considering a similar situation and so is the situation in the present case, where attribution to the accused petitioner Anurag Singh is only as a casual reference without evidence of active involvement in the crime which could justify cognizance against him. The Hon'ble Supreme Court in **Geeta Mehrotra's case (ibid)** has held that it cannot overlook the fact borne out of experience that usually there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute, especially if it happens to be soon after the wedding. Hon'ble the Apex Court has

further placed reliance on another view in the case of ‘**G.V. Rao v. L.H.V. Prasad & others**’ 2000(2) RCR(Criminal) 290, wherein their Lordships have observed as under:-

“there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their cases in different courts.”

The un-displaced stand of petitioner Anurag Singh that he is employed at a distant place and is unmarried and thus, to the mind of this Court, allegations against him are harbouring on malice and ill-will and are on the fringe of suspicion to attain a sinister design. Even otherwise, a young self-employed man who is unmarried, would in no manner be

beneficiary of any such demand being self-reliant and staying away from home, besides the fact that a close look at the allegations and the evidence collected at the trial reveals that there is no semblance of evidence against him of having ever demanded either any Istridhan or with finer details of harassment and cruelty on account of it. Thus, the allegations against him are more figment of imagination, falsely motivated and do not stand the test of scrutiny.

As far as the case of Ganesh Pratap Singh father-in-law and Kiran Singh mother-in-law is concerned, as the petitioner mother-in-law Kiran Singh has since died on 24.11.2018, shows that they are residing under the tutelage of the family and there are categorical averments as to demand of dowry, articles of Istridhan, torture and harassment. The likelihood that the role attributed to the petitioner Ganesh Pratap Singh is there, especially in view of his relationship and the allegations which are quite apparent of material consequences. The allegations in the FIR qua petitioner Ganesh Pratap Singh on the face of it, certainly constitute prima facie case against the petitioner father-in-law and certainly disclose commission of cognizable offence. Moreover, there is no cause to hold that there is miscarriage of justice qua this petitioner father-in-law Ganesh Pratap Singh.

Thus, in the light of what has been detailed and discussed above, it is certainly a proven case of the petitioner Anurag Singh brother-in-law that prima facie he has no role to play in commission of the offence and has been roped in falsely with a clear motivation. There is certainly a clear-cut abuse of the process of the Court and therefore, to meet the ends of justice necessitates quashing of the FIR and all consequential proceedings arising therefrom qua him. Therefore, petition filed by Anurag Singh i.e. CRM-M No.12110 of 2017 is hereby allowed in those terms.

However, the other petition viz. CRM-M No.34063 of 2017 filed by father-in-law Ganesh Pratap Singh and mother-in-law Kiran Singh abates qua mother-in-law Kiran Singh since she is reported to have died on 24.11.2018. As far as the petitioner father-in-law Ganesh Pratap Singh is concerned, this Court is of the view that there is no eventuality for this Court to exercise its inherent powers to quash the FIR qua him and thus, finding no merit the petition filed by him stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 1, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No