

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 24280 of 2017 (O&M)

Date of decision : 29.5.2018

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Gopi Chand Chhabra

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shailesh Gupta, Advocate for the petitioner

Mr. Sulinder Kumar, AAG, Haryana
for respondents No. 1 to 4.

Mr. H.S. Saini, Advocate for respondent No.5.

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H. S. Madaan, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No. 97 dated 5.4.2016, for offences under Sections 325/323 IPC, registered at Police Station Sector 5, Panchkula, alongwith challan dated 20.4.2016 and charge sheet dated 9.8.2016, with all consequential proceedings, arising out of it, has been filed by petitioner Gopi Chand Chhabra, who is an accused therein.

According to the petitioner, he is a senior citizen aged about 74 years and suffering from Parkinson's disease and various other ailments; that he had served the nation for 39 years and retired

as a defence personnel from Indian Air Force as Flight Lieutenant and is recipient of 'Vashisht Sewa Medal'; that he has got a residential house No. 407, Sector 12, Panchkula, which was purchased by him; that his daughter-in-law respondent No.5 is a quarrelsome lady, who had been picking up quarrels with the petitioner and his old wife on petty issues and she has involved the petitioner in a false FIR in order to harass and pressurize the petitioner; that as a matter of fact no such incident had taken place and no evidence is disclosed against the accused.

After registration of the FIR, the petitioner was challaned and the trial Court has framed formal charge against him.

According to the petitioner, due to bad behaviour and constant harassment, the petitioner had disowned both respondent No.5 and her husband by giving a public notice in the newspaper on 15.9.2006. Though later on respondent No.5 alongwith her husband had again started residing on Ist Floor of the house of the petitioner. The petitioner has contended that the investigation has not been carried out in this case properly and date and day of occurrence in FIR, which was mentioned as 2.4.2016 and Saturday, with a copy sent to Chief Judicial Magistrate, Panchkula, after registration of the case, was subsequently, changed to 3.4.2016 Sunday, in order to help respondent No.5. According to the petitioner divorce proceedings are pending between respondent No.5 and her husband. Respondent No.5 has initiated proceedings under the Domestic Violence Act against the petitioner and his family members. The petitioner contends that he has filed a complaint against respondent No.5 under the Maintenance

and Welfare of Parents and Senior Citizens Act, 2007 and that FIR is gross abuse of process of law. Therefore, it be quashed.

Notice of the petition was given to the respondents, who had put in appearance and are opposing the petition vehemently.

I have heard learned counsel for the petitioner, learned State counsel, learned counsel for respondent No.5, besides going through the record.

As per the settled law the FIR can be quashed only if i) it does not disclose any cognizable offence and ii) is an abuse of process of law. Here in the present case, a perusal of the FIR in question goes to show that there are specific allegations against the petitioner, whose name is mentioned therein and criminal acts have been attributed to him, which do disclose commission of criminal offences. There is nothing on record to show that lodging of FIR by estranged daughter-in-law of the petitioner is an abuse of process of law.

Learned counsel for the petitioner has laid much stress on the fact that in the FIR originally registered, the date was mentioned as 2.4.2016 Saturday, which was later on changed to 3.4.2016 Sunday. But as explained by the learned State counsel, it was due to a typographical mistake, which was subsequently corrected. I do not find it to be such a big issue, so as to point out towards forgery or fabrication of record. Even otherwise, it is clearly mentioned in the FIR that the incident had taken place on 2.4.2016 at about 2.30 P.M.

After completion of investigation, challan was prepared

and filed in the Court against the petitioner and his son Ajay Chhabra. Formal charge has also been framed against them. There is nothing coming out from the record to show that respondent No.5 is a very powerful or influential person, who can make the local police act as per her wishes. It seems that just to help his son, the petitioner has filed the present petition, seeking quashing of FIR without being any ground available for doing so. Guilt of the accused shall be determined during the trial.

I do not see any reason to quash the FIR. Challan and the charge sheet have been served upon the petitioner accused. The petition stands dismissed accordingly.

29.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No