

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

CRM-M-37171-2014(O&M)

Date of decision:-17.8.2018

Sandeep Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Argued by :Mr.S.K. Bawa, Advocate
for the petitioners.

Ms.Aditi Girdhar, AAG, Haryana.

Ms.Bhupinder Kaur, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.87 dated 1.7.2014, under Sections 323, 406, 294, 354, 498-A, 406, 120-B IPC, registered at Police Station Raipur Rani, District Panchkula along with all consequential proceedings arising therefrom including final report/challan dated 10.9.2014 has been filed by petitioners Sandeep Singh and Smt.Renu, both of them being accused in the said case.

Briefly stated, facts of the case are that complainant Reena Rana daughter of Sh.Raj Kumar, resident of village Moli, Police Station Raipur Rani, District Panchkula had submitted a written complaint dated 2.6.2014 to the police against her husband and his family members, namely, Bharat Singh, Rukmani, Sandeep, Smt.Renu, Gurdeep Singh, Smt.Shaweta levelling allegations of demand of dowry and maltreatment besides hatching criminal conspiracy for cheating and defrauding the complainant for lacs of rupees and causing wrongful loss to her besides committing criminal breach of trust, outraging her modesty, uttering obscene words and criminal intimidation etc.

After registration of FIR, the matter was investigated. On completion of investigation, challan was filed against the accused.

The petitioners are seeking quashing of the said FIR. Petitioner No.1 Sandeep is husband's younger brother and petitioner No.2 Renu is wife of said Sandeep Singh of the complainant.

Notice of the petition was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

According to the petitioners, they along with their minor daughter have been leading independent lives; that they had nothing to do with matrimonial discord between the complainant and her husband Kuldeep Singh but they have been roped in being relatives of Kuldeep Singh as a pressure tactics; that the petitioners and some of the co-accused have been granted pre-arrest bail in this case; that they have been wrongly challaned by the investigating agency mainly for the

reason that they are relatives of Kuldeep Singh – husband of the complainant; that lodging of FIR has resulted in miscarriage of justice causing irreparable loss and injury to the petitioners, therefore, the FIR be quashed.

Whereas, the request is being opposed by the learned State counsel and counsel appearing for respondent No.2.

After hearing the rival contentions, I find that a bare perusal of the FIR goes to show that both the petitioners are named therein and criminal acts have also been attributed to them, which constitute cognizable criminal offences. After registration of the FIR, the matter was investigated. The investigating agency finding sufficient evidence against the accused including the petitioners have filed challan against them. The charge is yet to be framed against the accused. The petitioners have got an opportunity to raise all these pleas before the trial Court and if the Magistrate agrees with the contentions so put forward by the petitioners and comes to the conclusion that charge against the accused is groundless, then petitioners can be discharged. However, if charge-sheet is served upon them under Section 240 Cr.P.C., they have got a right to challenge the said order by way of filing revision petition. The FIR and ancillary proceedings including challan can certainly be not termed as an abuse of process of law.

Learned counsel for the petitioners has referred to authority *Anoop Kumar Versus State of Haryana and another, 2013(2) R.C.R.(Criminal) 242* by a Co-ordinate Bench of this Court, wherein it was observed that in order to attract the penal provisions of the offences punishable under Sections 406 and 498-A IPC, there must be specific

allegations/overt acts and prima facie material against the petitioner to indicate that the dowry articles were actually entrusted to him and he misappropriated the same. It was further observed that there is growing tendency to come out with inflated and exaggerated allegations roping in each and every relation of the husband, things have now taken a reverse trend and the women are abusing beneficial provisions of Section 498-A IPC.

There cannot be any dispute with the observations so made but as already observed, the petitioners can put forward these pleas before the trial Magistrate when the matter of framing charge against the accused is to be considered. Though the Co-ordinate Bench has observed that there is tendency to rope in each and every family relation of the husband by the woman but then at this stage it cannot be said that it is one of such type of cases.

As such, I do not see any reason to exercise power under Section 482 Cr.P.C. to quash the FIR and ancillary proceedings including challan.

Therefore, the petition stands dismissed.

17.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No