

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

CRM-M-38465-2016

Date of decision:-9.10.2018

Manpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Shivoy Dhir, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Sumit Verma, Advocate for
Mr.SPS Sidhu, Advocate for respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. seeking quashing of FIR No.8 dated 15.1.2015, under Sections 376, 354, 506 IPC, registered at Police Station Meharban, District Ludhiana has been filed by petitioner Manpreet Singh, who is an accused in the said FIR.

Briefly stated, the facts of the case are that the prosecutrix had made a statement to the police on 15.1.2015 stating therein that accused Manpreet Singh, residing in her neighbourhood used to keep a bad eye upon her and had committed vulgar acts with her earlier and

about A month earlier, he had committed sexual intercourse with the prosecutrix against her wishes AND without her consent while she was alone in her house and while leaving her house, the accused had threatened the complainant not to disclose the incident to anybody; that accused wanted to marry the prosecutrix, though the prosecutrix was not ready for that; on 13.1.2015 at about 8:30 p.m. when the prosecutrix had gone to the house of her aunt, the accused went there and hugged the sister-in-law of the prosecutrix, who was working in the kitchen under the mistaken belief that she was the prosecutrix.

On the basis of such statement of the prosecutrix, formal FIR was registered. The investigation in the case was carried out and after completion of investigation and other formalities, challan has been filed against the accused in his absence since accused had been on run after registration of the FIR and could not be arrested despite raid being conducted by the police at various places.

The petitioner is seeking quashing of the FIR for the reason that there was a love affair between him and the prosecutrix for last several years, however, parents of the prosecutrix had fixed her marriage with some other boy, to which she was not agreeable; that boy came to know about love affair between the petitioner/accused and the prosecutrix, as such, he refused to marry her; thereafter, parents and relatives of the prosecutrix hatched a conspiracy and on the intervening night of 13/14.1.2015 attacked the house of petitioner and gave injuries to him and his family members; that the petitioner had lodged a complaint with the police at Police Station P.S. Meharban, Ludhiana and after inquiry FIR No.10 dated 17.1.2015, under Sections 323, 452, 506,

148, 149 IPC was registered against the parents and brother of the prosecutrix; the family members of the prosecutrix had offered to compromise the matter, which was declined by petitioner and his family, therefore a false and frivolous FIR on the allegations of rape and outraging modesty has been lodged against the present petitioner; the prosecutrix was got medically examined, which did not indicate that she was subjected to rape; that even though the petitioner was ready for Narco, Polygraph and Brain mapping test subject to the condition that the prosecutrix also underwent those tests but the police did not get those tests carried out; that the petitioner having no other option but to ran away from the village; that he was declared a proclaimed offender during pendency of the case and challan was filed against him in his absence, however, he was granted bail by this Court on 26.9.2016. Therefore, a prayer for quashing of the abovesaid FIR has been made.

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.

After registration of the FIR, investigation in the case was conducted and finding merits in the allegations in the FIR, challan against the accused has been filed in the Court. Furthermore, charge has been framed against him and he is facing trial. His guilt shall be determined during the trial. He can raise all the pleas so taken by him in the petition before the trial Court but no ground to quash the FIR is made out since in the FIR, the accused is specifically named and serious allegations of rape and outraging modesty of a woman are there against

him levelled by the prosecutrix aged about 24 years. From the record, it does not come out that the FIR lodged is an abuse of process of law.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

9.10.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No