

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

**CRM-M-45700 of 2017(O&M)
Date of Decision: 14.02.2018**

Inderjit Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.L.S.Lakhanpal, Advocate
for the petitioners.

LISA GILL, J (Oral).

Prayer in this petition is for quashing of FIR No. 18 dated 02.08.2014, under Sections 406, 498-A, 120-B IPC, registered at Police Station NRI, District Ludhiana.

It is submitted that general and vague allegations have been levelled in the FIR. The complainant was granted an ex-parte divorce on 31.05.2016 (Annexure P-5). It is thus prayed that this petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file.

As per the allegations in the FIR, marriage between complainant-respondent no.2 and petitioner no.4 was solemnized on 18.03.2012 at Ludhiana. It is stated that the accused persons had misrepresented that petitioner-husband was holding a PR status in Canada and would get a citizenship in Canada within some days. It is stated that misrepresentation regarding his income as well as property owned by him

and his family was made. Huge amount is stated to have been spent on the marriage as per the demands of the petitioners. Various dowry articles were allegedly entrusted to the petitioners. However, the accused persons were not happy with the dowry articles. The complainant, it is stated was subjected to ill-treatment and harassment at the hands of the petitioners on account of bringing insufficient dowry. Allegations of the petitioners compelling the complainant to bring ₹50 lakhs in cash to enable petitioner no.4 to be settled abroad are raised. It is alleged that petitioner no.4 stayed in India for about four months after the marriage. He thereafter left for Canada from where he assured the complainant that he would arrange for the papers to ensure her transit to the said country. However, even after a lapse of one year, no action was taken by petitioner no.4. Rather, he kept demanding money from the complainant. It is alleged that some amount was transferred to one of his friends by the complainant after obtaining it from her parents as well. On these allegations, the above said FIR was lodged.

It is not in dispute that petition under Section 13 of the Hindu Marriage Act, 1955, filed by respondent no.2 was allowed on 31.05.2016 on the ground of cruelty. The said is an ex-parte decision which has admittedly not been challenged by petitioner no.4 till date.

At this stage, it is not possible to conclude that prima facie case under Sections 406, 498-A, 120-B IPC, is not made out against the petitioners. It cannot be said that merely because the complainant may have got remarried after obtaining ex-parte divorce on 31.05.2016 by itself is a ground to conclude that no prima facie case is made out against the petitioner or that no ill-treatment or harassment was meted out by the

petitioners to the complainant. The same is obviously in the domain of the learned trial Court.

Thus, I do not find any ground whatsoever to interfere, at this stage for quashing of FIR No. 18 dated 02.08.12014, under Sections 406, 498-A 120-B IPC, registered at Police Station NRI, District Ludhiana.

Petition is accordingly dismissed.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

14.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.