

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

CRM-M No. 7269 of 2015

DATE OF DECISION :- July 16, 2018

Rajbir @ Bhushan @ Vishal and another

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Ashish Naik, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Sandeep Kumar, Advocate
for Mr. Karan Singh Malik, Advocate for respondent no.2.

This petition under Section 482 Cr.P.C. for quashing of F.I.R. has been filed by petitioners Rajbir @ Bhushan @ Vishal and Sahab Singh @ Deepak, both of them being accused in F.I.R. No. 568 dated 28.4.2014 for offences under Sections 498-A/323 IPC (Section 354 IPC deleted) registered with Police Station Panipat City, Panipat.

Briefly stated the facts of the case as per prosecution story are that complainant Mamta Rani w/o Sh. Rajbir @ Bhushan @ Vishal D/o of Late Sh. Jai Singh Verma resident of Moti Ram Colony, Near Mohit Public School, House No. 2184, Noorwala, Panipat submitted a written complaint addressed to SHO Police Station City Panipat interalia stating that she was married with Rajbir @ Bhushan @ Vishal on 15.11.2002 at Jind. After a

few days of marriage, her husband Rajbir @ Bhushan @ Vishal and Brother-in-law Sahab singh @ Deepak started torturing him by raising demands for dowry. Her parents fulfilled the demands once or twice but were unable to meet the increasing demands. As such, her husband and brother-in-law started torturing her that she had given birth to two daughters. Her husband had threatened her that in case she did not bring dowry he would not keep her and would contract a second marriage then he eloped with a girl namely Neelu. Thereafter, her brother-in-law Sahab Singh @ Deepak started sexually harassing her and tried to establish illicit relations with her to which she did not agree as such she was turned out of the matrimonial home with daughters and she is residing with her widowed mother at Panipat. As the petitioners are seeking quashing of the F.I.R. on the points that the complainant wanted that her brother-in-law Sahab Singh, who want marry a girl of her choice and when she found that he was having a love affair with a girl then she got annoyed and threatened the petitioners of dire consequences. Petitioner no. 2 and respondent no. 3 had solemnized marriage with the help of petitioner no. 1 but the complainant was not happy with their marriage. The complainant wanted her husband to separate from his family which he did not agreed.

Notice of petition had been given to the respondents, who put in appearance. Respondent no.1 State of Haryana had filed a reply contending therein that challan has since been filed against the accused. The charge has been framed against them and out of five prosecution witnesses two prosecution witnesses have been examined and petition be dismissed.

After hearing learned counsel for the petitioner, learned counsel

for the complainant and learned State counsel besides going through the record, I find that no ground for quashing of the F.I.R. is made out. Both the petitioners are specifically named in the F.I.R. and the criminal acts attributed to them go to show commission of cognizable offences. The very fact that after completion of investigation they have been challaned, formal charge had been framed against them and the trial is at advanced stage and further that their guilt shall be determined during the trial make their request for quashing of the F.I.R. to be untenable.

There is no ground to allow the petition for quashing the F.I.R. along with ancillary proceedings including challan and subsequent proceedings, therefore, the petition stands dismissed.

(H.S. MADAAN)
JUDGE

July 16, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No