

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.113

CRM-M-48407-2017

Date of decision : 13.11.2018

Babita

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Tayagi, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of FIR No.311 dated 23.5.2017, registered at Police Station Rohtak City, under Sections 120-B, 34, 406, 420, 506 IPC.

The contents of the FIR are that the petitioner and her co-accused illegally deprived the complainant off a sum of Rs.1,65,06,027/- by making a false representation that the money would be used for purchasing agricultural land in his name. However, neither the land was purchased nor the money was returned. Co-accused, Munish, husband of the petitioner, obtained a power of attorney from the complainant and fraudulently transferred the house of the complainant in the name of the petitioner. Now, the petitioner and her co-accused are threatening the complainant, who fears for his life.

Learned counsel for the petitioner submits that the dispute is amongst family members and is primarily of a civil nature and thus, registration of the FIR is abuse of the process of the Court. Moreover, the present FIR is a counter-blast, as an earlier complaint had been filed by the petitioner against the complainant for having outrage her modesty. Now, an FIR under Section 376 IPC, has been registered against the complainant.

An FIR is liable to be quashed only if from a bare perusal of the contents thereof, no criminal offence is revealed. This is not so in the present case. The contents of the FIR show that allegations of mis-appropriation and cheating have been made against the petitioner and her co-accused and thus, this case does not fall within the parameters laid down for quashing of an FIR. Whether, the present FIR is a counter-blast or not, cannot be determined at this stage as the same is a matter of trial.

Consequently, the petition has no merit and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

13.11. 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No