

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

**CRM-M No. 6278 of 2017 (O&M)
DATE OF DECISION :- February 20, 2018**

Devender

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Hemant Bassi, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

Mr. N.S. Shekhawat, Advocate for respondent no.2.

This petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. by petitioner Devender, an accused in F.I.R. No. 304 dated 6.8.2016 for offence under Sections 306, 506/34 IPC registered with Police Station Bhuna, District Fatehabad.

According to the petitioner, his sister Meenakshi was married with Shashi Kant son of Rajender Singh on 15.7.2013 at Barwala in accordance with Hindu rites and ceremonies. Unfortunately she was harassed and maltreated by her husband and his family members in order to extract more dowry. Devi Lal, a relative/friend of father-in-law of Meenakshi misbehaved with her and tried to outrage her modesty, regarding which Meenakshi had lodged a complaint but no action was taken. Devi Lal died on 5.8.2016 and to settle score with petitioner and her family members

so as to pressurise Meenakshi and dissuade her from complaining against her in-laws, family members of Devi Lal in connivance with in-laws of Meenakshi manipulated the registration of a false F.I.R in question against the present petitioner.

Faced with such situation, Meenakshi took extreme step of ending her life and while committing suicide on 9.9.2016, she had left a suicide note in her hand writing. On the basis of that suicide note an F.I.R No. 817 dated 10.9.2016 was registered at Police Station Hisar under Sections 304-B/498-A/34IPC. Since investigation in the said F.I.R was not being carried out properly, so the father of petitioner had approached this Court for handing over the investigation to any independent agency to ensure fair, proper and complete investigation.

The petitioner was picked up and arrested by police on 22.09.2016 in F.I.R No. 304 dated 6.8.2016 which was after 46 days of registration of the F.I.R. However, he was released on bail vide order dated 25.10.2016. That essential ingredients of offence of abetment are not established. That initially mother of petitioner was also arrayed as an accused in the F.I.R, however, she was found to be innocent by the police, inasmuch as an enquiry had been conducted by DSP Fatehabad City who submitted his report dated 7.1.2017; that F.I.R in question is abuse of process of law and does not disclose any offence therefore using inherent powers of this Court, the same be quashed.

Written reply to the petition has been filed by respondent no. 2 contending therein that after registration of the F.I.R, during investigation the police found the allegations to be correct, therefore has presented the

challan against the present petitioner. Meenakshi, sister of petitioner was suffering from some mental disorder and on 3.8.2016 she misbehaved with Devi Lal and his wife Roshni. On 4.8.2016, Meenakshi called her brother Devender i.e. the petitioner, her mother Meera Devi and misbehaved with and threatened Sh. Devi Lal (deceased). She had threatened to kill Devi Lal and his family, due to that Devi Lal committed suicide on 4.8.2016. Accordingly on the basis of statement made by respondent no. 2 in the present petition, F.I.R was registered.

Now the investigation is complete and challan has been presented against the present petitioner. Therefore, the petition deserves dismissal; that petitioner unnecessarily raised the issue with regard to matrimonial affairs of Meenakshi; that Meenakshi and her husband Shashi Kant were married and were living in a rented accommodation, therefore, family-answering respondent had not concern with the family of Meenakshi, Shashi Kant and petitioner Devender. The present F.I.R was registered on 6.8.2016. However, on 4.8.2016 Meenakshi went to her parental house at Sector 14, Hisar and was staying with her parents and her brother i.e. petitioner. On the intervening night of 9/10.9.2016, Meenakshi committed suicide by taking some poisonous substance in her parental home. Rather she had died under mysterious circumstances. The alleged suicide note is a forged and fabricated document. In fact Meenakshi was mentally disturbed and was in habit of writing suicide notes. Some of the suicide notes have been annexed with the reply. Since Meenakshi was the main accused in F.I.R and police wanted to take action against her, therefore, she either committed suicide or was killed by her parents. Even after her death, the

cremation was done by her family without informing her in-laws and later on a false F.I.R was got registered against her in-laws and her family. The answering respondent and his family have no connection with the family of Shashi Kant and Meenakshi; that the F.I.R is based on correct facts. This very position is reiterated in the reply on merits while controverting the assertions in the petition.

I have heard learned counsel for the petitioner and learned State counsel while going through the record.

A perusal of F.I.R. in question goes to show that petitioner is specifically named therein. It cannot be said that the F.I.R. does not disclose any cognizable offence.

Learned counsel for the petitioner has tried to build up a case that the F.I.R. is abuse of process of law but I do not find myself in agreement with him on that point keeping in view the facts and circumstances of the case.

During investigation, mother of the petitioner was found to be innocent as such she was not sent up to face trial which goes to show that the investigation was conducted in a fair and impartial manner. After completion of investigation, challan has been presented against the petitioner and trial is going on. I do not find any reason to quash the F.I.R. and ancillary proceedings by way of acceptance of the petition.

Learned counsel for the petitioner has referred to authorities ***Dhariwal Tobacco Products Ltd. And others versus State of Maharashtra and another 2009(1) R.C.R. (Criminal) 677, Jagdish Singh versus State of Punjab and another 2016(2) R.C.R. (Criminal) 352, Sanju @ Sanjay***

Singh Sengar versus State of Madhya Pradesh 2002(2) R.C.R. (Criminal) 687, Hira Lal Jain versus State 2001(1) R.C.R. (Criminal) 251, V. Adinarayana and another versus State of A.P. 2000(1) Andh LD (Criminal) 59, Gurcharan Singh versus State of Punjab 2017(1) R.C.R. (Criminal) 118, M. Mohan versus State Tr. Dy. Supdt. of Police 2011 AIR (SC) 1238. These authorities are not applicable due to different facts and circumstances and the context in which such observations have been made. Therefore, finding no merit in the petition, the same stands dismissed.

(H.S. MADAAN)
JUDGE

February 20, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No