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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3530/2018 and Crl. M.A. no. 28012/2018

ROHIT RELAN & ORS Petitioners
Through Dr. Balram Singh, Adv.

versus

STATE (NCT OF DELHI) & ANR. Respondents
Through Mr. M.S. Oberoi, APP with SI
Jaspreet, P.S. Rajinder Nagar
Respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **19.07.2018**

By this petition under Section 482 Cr.P.C., petitioners have prayed for quashing of FIR no. 58/2018 registered at Police Station Rajinder Nagar on the complaint of respondent no. 2. Petitioner no. 1 is husband of respondent no. 2. Petitioner nos. 2 and 3 are parents of petitioner no. 1. Investigations are at the initial stage. In the FIR, respondent no. 2 has detailed the manner in which she was harassed by the petitioners. FIR runs into more than three pages. Learned counsel for the petitioners contends that FIR has been lodged as a counterblast to the divorce case filed by the petitioner no. 1 against the respondent no. 2. Allegations of harassment and torture are

baseless. It is contended that since FIR is baseless, malicious and has been filed as a counterblast to the divorce case filed by petitioner no. 1, the same is liable to be quashed. Reliance has been placed on Chandralekha and Ors. vs. State of Rajasthan and Anr. (2013) 14 SCC 374.

Chandralekha (supra) is in the context of different facts. Pleas taken by the petitioners are subject matter of investigations and/or whether respondent no. 2 was being treated with cruelty by the petitioners cannot be decided at this stage in the petition under Section 482 Cr.P.C. Inherent jurisdiction of this court can be exercised only in exceptional cases, FIR can be quashed only in rare cases. At this stage, averments made in the FIR have to be taken on its face value and cannot be disbelieved and discarded. It cannot be said that FIR does not disclose the ingredients of offence under Sections 498-A/406/34 IPC. Reliance is placed on Taramani Parakh vs. State of M.P. and Ors., 2015 (3) SCR 672.

In Bhaskar Lal Sharma and Anr. vs. Monica and Ors. MANU/SC/0105/2014, Supreme Court held as under:-

“10. The facts, as alleged, therefore will have to be proved which only be done in the course of a regular trial. It is wholly unnecessary for us to embark upon a discourse as regards the scope and ambit of the Court’s

power to quash a criminal proceeding. Appreciation, even in a summary manner, of the averments made in a complaint petition or FIR would not be permissible at the stage of quashing and the facts stated will have to be accepted as they appear on the very face of it. This is the core test that has to be applied before summoning the accused. Once the aforesaid stage is overcome, the facts alleged have to be proved by the complainant/prosecution on the basis of legal evidence in order to establish the penal liability of the person charged with the offence.”

For the foregoing reasons, petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

JULY 19, 2018
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