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

+ **W.P.(CRL) 2466/2018**

SHRI BHUPENDER NEGI & ORS. Petitioners

Represented by: Petitioner No.1 in person

versus

STATE & ANR Respondents

Represented by: Mr.Rajesh Mahajan, ASC for the
State with Ms.Jyoti Babbar, Advocate
and SI Manohar Lal, PS Hari Nagar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **20.08.2018**

1. By this petition, the petitioners seek quashing of FIR No.681/2016 under Sections 498A/406/34 IPC registered at PS Hari Nagar on the complaint of respondent No.2 and the proceedings pursuant thereto.
2. One of the grounds urged by petitioner No.1 who appears in person seeking quashing of the FIR in question is that the FIR was registered without examining the petitioner and his family members and collecting evidence to show that the allegations in the FIR are false and not fortified. It is further the case of the petitioner that the marriage between petitioner No.1 and respondent No.2 was performed by concealing material fact that the respondent No.2 was visually handicapped.

3. The FIR in question registered on the complaint of respondent No.2 notes that respondent No.2 was married to the petitioner on 17th February, 2015. Respondent No.2 claims that she is visually handicapped and when petitioners came to her house to meet her they got her specs removed, saw her visually handicapped certificate and checked up all the documents. According to the complainant, her parents gave articles and cash according to their status however the in-laws were not happy with it and her husband immediately after the marriage removed the gold chain, ring and watch given by her parents and handed over the same to her mother-in-law. For the bed which was taken by the complainant, it was stated that the same was of no use. It is the case of the complainant that she was abused continuously by the petitioners, they got removed her jewellery articles and kept it with them. When her husband asked her to remove the Mangalsutra, she refused to do so. Thereafter petitioner No.1 and respondent No.2 went to Pune where there was continuous physical torture. Complainant was taunted that her family had assured to give ₹25 lakhs in cash which was not given. The FIR continues to disclose various allegations during the period when the parties lived together. Complainant also sought return of her dowry articles and apprehended threat to her life.

4. Thus on the face of it the allegations in the FIR disclose the commission of a cognizable offence.

5. Learned Additional Standing Counsel for the State on instructions from the Investigating Officer submits that the investigation has been completed and charge sheet will be filed within two weeks.

6. Contention of petitioner No.1 who appears in person that before registration of FIR, no evidence was collected from the petitioners and they were not examined which would have shown that the FIR in question was false, deserves to be rejected for the reason proceedings before CAW Cell which were conducted were conciliatory in nature and since no settlement was arrived at between the parties the FIR on the cognizable offences alleged was registered. The procedure to collect evidence to substantiate the allegations in the FIR or to counter them is a matter of investigation which as stated above by the learned Additional Standing Counsel has been completed and the charge sheet is likely to be filed within the next two weeks. Further whether the marriage was performed by concealing material fact of the visual handicap or not will be seen during the course of trial.
7. Petitioner No.1 who appears in person states that on his complaint another FIR for offence punishable under Section 420 read with Section 385 IPC has already been registered against respondent No.2.
8. For the facts alleged in the FIR, this Court finds no ground to quash the FIR or the proceeding pursuant thereto.
9. Petition is dismissed.

MUKTA GUPTA, J.

AUGUST 20, 2018

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