

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

**CRM M-5905 of 2019
Date of Decision: August 22, 2019**

Mohit		Petitioner
	Versus	
State of Punjab and others		 Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Ripu Daman, AAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The question that comes up in this petition under Section 482 Cr.P.C. filed by petitioner/husband Mohit, who is advocate by profession seeking necessary directions to the official respondents to register an FIR against the private respondents No. 7 and 8 for the offence of theft and misappropriating the articles worth Rs.8,00,000/-, Whether is a contrivance by the husband to undo the affects and to escape criminal prosecution of his and his family members on the complaint lodged by the wife/respondent No. 7 by way of FIR No. 6 dated 12.01.2019 under Sections 498-A and 406 IPC

registered at Police Station Women Patiala?

The arguments that have been advanced by Mr. D.S. Matya, learned counsel for the petitioner and Mr. Ripu Daman, AAG, Haryana for the respondents/State reflects that a marriage between petitioner and respondent No. 7 was solemnized on 15.02.2017, where sufficient articles of dowry were given. Thereafter, the couple fell apart on account of their matrimonial disaccord, as a consequence of which, wife got registered the FIR in question on 12.01.2019. The husband, subsequently, has come up in this petition on 04.02.2019 belatedly to level counter allegations against the wife for having committed theft of the articles worth Rs.8,00,000/-. Going deeper into the allegations and counter-allegations and the stand of the two sides as is reflected from the reply of the respondents, it was a dispute between the husband and the wife, which was regarding their matrimony and, therefore, keeps on guard the Court to separate the wheat from the chaff. It is there in the stand of the State in their reply that father of the petitioner has handed over certain gold ornaments to the police during the investigations, which were part of the *Istridhan* of the wife are matters reflecting on the conduct of the petitioner. Merely because allegations have come about by the petitioner, who is in legal profession does not mean and can be taken to be a gospel truth rather what has come about to this Court from

the stand of the respondents is that the petitioner/husband is devising ways and means to wriggle out of his prosecution with the aid of Section 482 Cr.P.C. by material suppression of the truth and the facts and has sought to seek a relief by invoking the inherent jurisdiction of this Court on flimsy and fictitious grounds. On the very face of it, the averments of the petitioner smacks of vindictiveness and that it is a pure misuse of the process of the Court. It is certainly a case where the conduct of the petitioner needs to be denounced. There is nothing illustrative of miscarriage of justice or necessitating intervention by this Court to meet the ends of justice rather the petition is illustrative of the conduct of the petitioner/husband with a view to put the desolate wife to another round of litigation with an intent to triumph. This Court is not fully inclined to exercise its inherent powers with the aid of Section 482 Cr.P.C.

The petition being hopelessly without merits and in view of the purpose, for which, it has been put to play necessitates its dismissal with special costs of Rs.10,000/-, which will go to the High Court Legal Services Committee.

Disposed off.

August 22, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No