

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

**CRM M-127-2013 (O&M)
Date of Decision : 07.03.2019**

Avtar Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Pankaj Maini, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. L.S.Mann, Advocate for respondent No.3.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C., for quashing of FIR No.104 dated 13.12.2012, registered under Sections 498-A IPC, at Police Station Women Cell, Ludhiana.

It is a case of the prosecution that complaint was lodged on the statement of respondent No.3 Harmeet Kaur-wife of the petitioner wherein she has stated that the petitioner and his family members have maltreated and demanded dowry articles from her.

The allegations levelled against the petitioner are subject to evidence.

The Hon'ble Supreme Court in *State of Haryana and others versus Ch. Bhajan Lal Ors.* has made the following observations:-

“In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of

decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- 1. Whether the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- 2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code.*
- 3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- 4. Whether, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code.*

5. *Where the allegations made in the F.I.R. Or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
6. *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
7. *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

After going through the material available on record, this court is of the view that no case is made out to quash the instant petition.

Accordingly, the instant petition stands dismissed.

**(RAJ SHEKHAR ATTRI)
JUDGE**

07.03.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No