

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

**CRM-M No.14487 of 2017 (O&M)**  
Date of decision: 4<sup>th</sup> September, 2019

Bhupinder Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with  
Mr. Pratham Sethi, Advocate for the petitioners.

Mr. H.S. Sandhu, Asstt. Advocate General, Punjab  
for respondent No.1/State.

Mr. Arnav Sood, Advocate for respondent No.2.

**FATEH DEEP SINGH, J.**

Petitioners happen to be accused in case bearing FIR No.5 dated 18.08.2016 under Sections 498-A, 406 IPC pertaining to Police Station NRI Hoshiarpur, which was got lodged against them by their daughter-in-law Sandeep Kaur wife of Amandeep Singh, son of the present petitioners. The allegations are to the effect that marriage between the complainant and Amandeep Singh took place on 24.02.2012 where family of the girl had given sufficient dowry. The complainant further alleges that the accused had taken away these articles of Istridhan, which were meant for her use, by deception and thereafter did not allow her to use the same. The accused being unhappy with the articles of Istridhan demanded more and as a consequence of which a matrimonial

dispute arose leading to registration of the present case. It is against the lodging of the FIR, the petitioners have come about seeking quashment of the same.

The primary grounds that have come about are to the effect that the complainant had migrated to USA along with son of the petitioners namely Amandeep Singh and therefore the cause of occurrence if any, had come about in USA. It is contended that the parties have settled their dispute and in spite of the same, the complainant has come up with these allegations which are figment of her imagination for a motivated cause. It is claimed that by virtue of Section 188 Cr.P.C. the Courts in India do not have the jurisdiction to entertain and try the present matter. It is further claimed that none of the petitioners have committed any offence and being aged persons, a false case has been got registered and therefore sought quashment of the same.

Upon hearing Mr. Anmol Rattan Sidhu, Senior Advocate assisted by Mr. Pratham Sethi, Advocate representing the petitioners; Mr.H.S. Sandhu, Asstt. Advocate General, Punjab for respondent No.1/State; Mr. Arnav Sood, Advocate on behalf of the complainant respondent No.2 and on perusal of the records. The position and principles of law as to the exercise of powers under Section 482 Cr.P.C. has been well enumerated by the Hon'ble Supreme Court in the case of

**‘State of Haryana and others v. Ch.Bhajan Lal and others’ 1992 AIR**

**SC 604**, wherein following eventualities have been provided for:-

- (1) Where 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) Where the allegations in the FIR 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 FIR 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.

Learned counsel for the petitioners could not convince this Court how or in what manner case of the petitioners is squarely covered by the above ratio and therefore, has failed to controvert the submissions of learned counsel for the complainant respondent Mr.Arnab Sood, Advocate. No doubt such criminal provisions lately have come to much disrepute for their misuse but at the same time, the Court has to adjudge

the balance which can only be adjudicated by means of trial. The claim that the Courts in India do not have the jurisdiction to entertain and try the present matter or that none of the articles have been specifically handed over to the petitioners and therefore they cannot be the perpetrators of this crime for having usurped the articles of Istridhan, are matters of evidence which can be gone into only at the time of trial because the marriage was solemnized in India. This Court is certainly not inclined to show indulgence to the claim of the petitioners and there being no merit, the present petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**September 4, 2019**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |