

CRM-M-14983-2017 (O&M)
Date of decision: 22.11.2019

Naveen Kohli

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Aggarwal, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

Mr. S.P.Arora, Advocate and
Mr. Himanshu Arora, Advocate for respondent No.2.

Mr. Ravindra Jain, Advocate
for respondents No.3 to 5.

ANIL KSHETARPAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of Criminal Complaint under Section 499, 500, 389 of Indian Penal Code 1860 read with Section 66 of the Information Technology Act, 2000 and the order of summoning. The relevant part of the complaint is extracted as under:-

“ 2. That after the divorce, daughter of complainant was got married to Sh. Amit Chadha on 29.06.2012. Amit Chadha is the son of the accused No.2. After the marriage with Amit Chadha, daughter of complainant and Amit Chadha were living happily in USA. The accused No.1 found out from the Facebook about the marriage of daughter of the complainant with Amit Chadha and also got all the details about Amit Chadha, his sisters i.e. accused No.3 and 4 and father accused No.2. The accused No.1 obtained details of the sister of Amit Chadha namely Sheetal Chadha & Shilpa Chadha. Naveen Kohli befriended with Sheetal Chadha & Shilpa Chadha on Facebook

and started sending both Sheetal Chadha & Shilpa Chadha grossly offensive information of menacing character regarding Prerna. Naveen Kohli supplied false information to Sheetal Chadha & Shilpa Chadha with the purpose of causing insult, annoyance and with an oblique motive to ruin matrimonial life of Prerna Chadha through facebook and e-mail. Sheetal Chadha & Shilpa Chadha who were also not happy with the marriage of their step brother Amit Chadha and Prerna Chadha also started circulating all kinds of offensive information of menacing character in order to ruin her matrimonial life and caused insult, injury, annoyance to Prerna Chadha. Naveen Kohli along with Sheetal Chadha & Shilpa Chadha exchanged aforementioned false information via e-mail and facebook and other modes of electronic communication by using computer / laptop, I-pad / mobile etc. All of them knowing fully well that the information is untrue and false, have spread the same by means of computer resources and communication devices to each other and also to accused No.2. The accused No.2 further passed on such false information to the husband of the daughter of the complainant which resulted into the cracks in the matrimonial life of the complainant and husband of daughter of complainant abandoned the daughter of the complainant in India and left for USA.

3. That the aforementioned accused persons in connivance with each other and with a sole objective to malign the image of the complainant's daughter have been communicating offensive information of menacing character knowing it to be false. Therefore all the accused persons are liable to be punished for the offences committed by them.

4. That the accused, Rajender Kumar Chadha has also admitted that he had received information from Naveen Kohli and he has put-up such information on the computer. The accused, Rajender Kumar Chadha all the way went to Mumbai to meet Naveen Kohli where they exchanged such information with each other knowing it to be false just to ruin the matrimonial life of Prerna Chadha. One more accused who has got e-mail ID

“rahul_eligible541@rediffmail.com” has also through his communication device had spread false information on 05.02.2009 regarding Prerna Chadha.”

Learned counsel for the petitioner submitted that divorce between petitioner–Naveen Kohli and daughter of respondent No.2-J.B.Sharma/ complainant took place on 11.11.2010 and thereafter, she got remarried. He further submitted that no evidence in support of assertions made in para 2 of application have been produced.

It is not disputed that the complaint is pending at the initial stage. The complainant is yet to be granted an opportunity to produce post summoning evidence. Therefore, at this preliminary stage, grounds for quashing of criminal prosecution are limited and counsel for the petitioner could not bring attention of the Court to any of such ground.

As regards the second argument of learned counsel that mutual divorce granted between the petitioner and daughter of respondent No.2-complainant in 2010 is concerned, it has nothing to do with the present criminal prosecution.

In view thereof, petitioner is relegated to the remedy before the trial Court as the case is pending before the trial Court.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

22.11.2019
Hemlata

Whether speaking/reasoned Yes/No

Whether reportable Yes/No