

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

CRM-M-16735-2018 (O&M)
Date of Decision:- 7.11.2019

Vimla Devi and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Haresh Neyol, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Gurpal Singh Sandhu, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking quashing of FIR No. 66 dated 29.6.2015 under Sections 498-A/406/120-B IPC, Police Station Gidderbaha, District Sri Muktsar Sahib.
2. The FIR was lodged at the instance of Dimple Rani wherein it has been alleged that her marriage was solemnised with Surya Pal on 25.2.2012 at Gidderbaha (Sri Muktsar Sahib) wherein her parents had incurred expenditure much beyond their means and had given various household articles, apart from gifts, cash, gold jewellery to her husband and other members of his family. However, a few days after the marriage, her mother-in-law, her '*Nanaan*' (sister-in-law), her '*jeth*' (brother-in-law), her '*Nandoia*' (husband of sister-in-law), her father-in-law and her husband started demanding motorcycle and started giving beatings to her in order to press

upon their demands. Later, they also raised a demand of car. It has alleged that on one occasion, they even attempted to set her ablaze.

3. The matter was investigated by the police and upon conclusion of investigation wherein the accused other than her husband and the present petitioners who are father-in-law, mother-in-law, brother-in-law of the complainant were found to be innocent.
4. The learned counsel for the petitioner has submitted that they have falsely been implicated in the present case by the complainant simply in an attempt to pressurize her husband with whom she is having some matrimonial discord due to their incompatibility. The learned counsel has submitted that the petitioners have been residing separately away from the matrimonial home of the complainant and that the FIR is nothing but a blatant abuse of process of law. The learned counsel in order to hammer forth his aforesaid submission places reliance upon a judgment of Hon'ble Supreme Court reported as 2012(4) RCR (Criminal) 812 Geeta Mehrotra and another vs. State of U.P. and another wherein Hon'ble Supreme Court has observed that a fact borne out of experience that there is tendency to involve the entire members of the family of the household in a domestic quarrel in a matrimonial dispute cannot be overlooked.
5. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since specific allegations have been levelled in the FIR, no case for quashing of FIR is made out at this stage and has, thus, prayed for dismissal of the petition.
6. I have considered rival submissions addressed before this Court.

7. The petitioners are the father-in-law, mother-in-law and elder brother of husband of the complainant. The argument, being canvassed on behalf of the petitioners is that the petitioners have been falsely involved in the present case mainly on account of matrimonial discord between the complainant and her husband. The learned counsel, in this regard, has first of all referred to the complaint (DDR) lodged by the complainant in the year 2014 i.e. complaint dated 22.7.2014 (Annexure P-1). The contents of the said complaint reads as follows :-

“I beg to say that my marriage has solemnized on 25.2.2012 with Surya Pal S/o Gopi Ram R/o Laxmi Nagar, Cotton Factory, Gidderbaha District Sri Muktsar Sahib and my in-Laws family harasses me unnecessarily and in this, my husband Surya Pal is included and they harass me sometimes and abuse me and sometimes ask me for dowry. I am very harassed by them and now I am residing at my parental home with my child. So kind sir take legal action against these accused, settle me out there, and deliver me the justice from them.”

8. However, the said matter was compromised and no FIR was lodged on the basis of the said complaint. The aforesaid complaint had earlier been got enquired into wherein upon enquiry, it was found that the complainant's husband was working as a Teacher in Senior Secondary School, Dadrauni, District Dhoolpur, which was at a distance of about 800 kilometers from his native place and that he was residing in a place called Saramthura in rented accommodation near his place of posting.
9. The learned counsel in order to hammer forth his aforesaid submission that the petitioners were not residing with the complainant and her husband in

their matrimonial home has referred to copies of Aadhar Cards of petitioner No.1 – Vimla Devi (mother-in-law) and of petitioner No.2 – Gopi Ram (father-in-law), annexed with the petition as Annexure P-7 colly, which show that they are residents of Suratgarh (Ganganagar), Rajasthan.

10.The learned counsel has also referred to a copy of ration card issued in the name of Gopi Ram (father-in-law), annexed with the petition as Annexure P-7 colly, wherein also the address of Suratgarh is mentioned.

11.The learned counsel for the petitioner has next referred to the proof of residence in respect of petitioner no. 3 Narender Kumar (brother-in-law) which is in the shape of a document pertaining to issuance of a gas connection to petitioner no.3 Narender Kumar, wherein he is shown to be a resident of Pallu. The learned counsel has also referred to a nomination form in respect of Death-cum-Retirement Gratuity of petitioner No.3 wherein the address of Narender Kumar (Teacher) is mentioned as of Pallu.

12.The learned counsel for the petitioner has next referred to certain documents issued by Education Department regarding the testimonials of service of complainant's husband namely Surya Pal wherein it has been certified that Surya Pal has been working in Govt. Upper Primary School, Dadroni from 14.3.2008 to till date (5.2.2016). From the above referred documents, it is evident that while the complainant's husband Surya Pal has remained posted from 14.3.2008 onwards in Govt. Upper Primary School, Dadroni, the petitioners are residents of Suratgarh and Pallu. It is not disputed that while Suratgarh is at a distance of about 600 kilometers from Dadroni, Pallu is at a distance of about 500 kilometers from Dadroni where the complainant's husband had been posted, although he is residing at a place called

Saramthura which is near to Dadroni. In these circumstances, the possibility of the petitioners having been implicated falsely assumes a much greater proportion as in the absence of their residing with or near the complainant, it is difficult to hold that they had been harassing the complainant, more particularly when the complainant in her earlier complaint lodged in the year 2014 did not level any specific allegations against the petitioners. As has been observed by Hon'ble Supreme Court in Geeta Mehrotra's case (supra), that whenever there is a matrimonial discord in a matrimonial home between husband and wife, a noticeable tendency is there in many cases to rope in maximum number of relatives of the husband, the present case is also such where the complainant in an attempt to exert some kind of pressure upon her husband to bring him to terms, has implicated his entire family.

13. In view of the aforesaid discussion, this Court finds that it is a fit case where inherent powers of this Court can be invoked so as to quash the proceedings against the petitioners, as continuance of the same would amount to travesty of justice and as they have apparently been involved with an oblique motive.

14. The petition, as such, is accepted and the FIR No. 66 dated 29.6.2015 under Sections 498-A/406/120-B IPC, Police Station Gidderbaha, District Sri Muktsar Sahib as well as the consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

7.11.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No