

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

**CRM M-15029-2019 (O&M)
Date of Decision : 07.05.2019**

Ram Sagar Yadav and others

..... Petitioners

Versus

Manju Yadav

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Fateh Saini, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioners Ram Sagar Yadav, Sunita Yadav, Kiran Yadav and Suman Yadav have preferred the instant petition under Section 482 Cr.P.C. for quashing of complaint No.471 dated 05.07.2018 (Annexure P-5), titled as Manju Yadav vs. Ram Sagar Yadav, under Sections 12, 18, 19 and 20 of the Protection of women from Domestic Violence Act, 2005 (in short 'the Act') and proceedings emanating therefrom.

In brief, complainant-respondent Smt. Manju Yadav (hereinafter referred to as 'the complainant') filed a complaint under Sections 12, 18, 19 and 20 of the Act on the allegations that she has been maltreated, humiliated and thrown out from her matrimonial home by the petitioners.

Undisputedly, complainant Manju Yadav was married with Vikram Yadav son of Ram Sagar Yadav on 23.09.1995 and the gonna ceremony took place in the year 2006. Thereafter she started residing with her husband in the house of the petitioners at Chandigarh but soon after the

gona ceremony, the respondent started harassing and humiliated the complainant and in the year 2008 she was thrown out of her matrimonial home.

I have heard learned counsel for the petitioners and have gone through the record.

Learned counsel for the petitioner has submitted that the complaint is virtual abuse of the process of law and allegations levelled against the petitioners are without any substance.

I have given my thoughtful consideration to the rival contention.

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*

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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.”*

The allegations levelled against the petitioners are subject to evidence. However, at this stage, it cannot be observed that the allegations levelled against the petitioners in the complaint are frivolous or without any substance.

As such, finding no ground to quash the aforesaid FIR, the instant petition stands dismissed.

**(RAJ SHEKHAR ATTRI)
JUDGE**

07.05.2019
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No