

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

**CRM M-31529-2018 (O&M)
Date of Decision : 25.01.2019**

Satnam Singh and others

..... Petitioners

Versus

Kawalpreet Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Buta Singh Bairagi, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)
CRM No.2962-2019

Application is allowed, as prayed for, subject to all just exceptions.

CRM M-31529-2018

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of criminal complaint No.72 dated 23.05.2017, filed under Sections 406, 498-A IPC, before the Sub Judicial Magistrate Khanna and other consequent proceedings taken thereunder including the summoning order.

It has been argued that after 11 years of the marriage, the complaint has been filed. A bare perusal of the statement of complainant Kawalpreet Kaur as well as complaint transpire that at the time of marriage the 'Istridhan' was handed over to all the petitioners at the time of departure of the marriage party (barat) and they were keeping the same in their hands.

The specific allegations have been levelled against petitioner No.3 Jaswinder Singh with regard to making sexual remarks qua respondent.

The Hon'ble Supreme Court in **State of Haryana and others v. Ch. Bhajan Lal and Ors.**, 1992 AIR (SC) 604 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.

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.

- 4. 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.*
- 5. 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.*
- 6. 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 ratio of law laid down by Hon'ble Supreme Court in above quoted dicta, this Court is of the view that this case does not fall within the parameters laid down therein.

In view of aforesaid discussion, no ground to quash the

aforesaid complaint is made out. Therefore, the instant petition stands dismissed.

25.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

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