

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

CRM-M No.38405 of 2018
Date of decision: 10th July, 2019

Sahil Ajmuddin Inamdar

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Sunita Gupta, Advocate for
Mr. Mohammad Arshad, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Sahil Ajmuddin Inamdar (also referred to as Sahil) is an accused in case bearing FIR No.60 dated 20.06.2018 under Section 498-A IPC pertaining to Police Station Hariana, District Hoshiarpur got registered by respondent No.2 Rajni who happens to be wife of the petitioner. Through this petition under Section 482 Cr.P.C. the accused petitioner has sought quashment of the FIR and all proceedings arising therefrom on the grounds that their marriage took place in March 2016 after the complainant, who was in love with the petitioner, converted to Islam and voluntarily married the petitioner and there was, as per the own stand of the complainant, no exchange of dowry and the couple has been bestowed with a girl child out of this relationship. The primary ground that forms the reason for this quashment is that all the allegations are

false and figment of imagination and that the petitioner has been entangled with an intention to fleece him of his money.

The contentions of learned counsel representing the petitioner Ms.Sunita Gupta, Advocate that admittedly it was a simple marriage, does not sustain as the only allegation is of cruelty to respondent No.2, who happens to be the wife of the petitioner, and a bare perusal of the allegations levelled in the FIR spell out that the accused had physically and mentally tortured the complainant and also did not provide her any food. The claim that these were false and frivolous allegations, is a matter of evidence which cannot be considered and adjudicated at this stage, as the Court in exercise of inherent powers under Section 482 Cr.P.C. cannot adduce evidence. Present petition, in view of the law laid down in **‘State of Haryana and others v. Ch.Bhajan Lal and others’ 1992 AIR SC 604**, is not maintainable and as such stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

July 10, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No