

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

CRM-M-49485 of 2017.

Decided on:- April 09, 2019.

Hari Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Dinesh Maurya, Advocate for
Mr. D.S. Dalee, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Ms. Suminderdeep Kaur, Advocate for
Mr. Rajeev K. Kapila, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The petitioners have filed present petition under Section 482 Cr.P.C. for quashing of FIR No.54 dated 01.10.2016 under Sections 406 and 498-A IPC registered at Police Station Hajipur, District Hoshiarpur (Annexure P-2) along with all subsequent proceedings arising therefrom.

The petitioners are parents-in-law of respondent No.2-complainant Lovely Saini. The marriage of respondent No.2 was solemnised with Maninderjit Singh son of the petitioners on 15.11.2008 and out of this wedlock, a child was born.

Respondent No.2-complainant has got the present FIR registered against her husband and the petitioners with the allegations that her husband after taking intoxicant, used to beat her and to threaten that he would kill her for which a complaint was made to the police by the complainant on 19.03.2015. However, the matter was settled in the office and in the presence of Assistant Commissioner of Police, Mukerian, wherein petitioner No.1 admitted that his son Maninderjit Singh (husband of the complainant) is habitual of taking intoxicants for which the petitioner No.1 requested for a period of one year so as to make his son understand. But still, there was no change in the habits of the husband of complainant and he continued to take intoxicants regularly. The complainant has not come to the matrimonial home, as she had apprehension in her mind that her husband will kill her under the influence of intoxicants. The complainant has apprehended danger to her life.

Learned counsel for the petitioners has argued that apart from the fact that Maninderjit Singh husband of respondent No.2-complainant has died on 02.01.2019, and there being no specific allegation against the petitioners as regard entrustment of dowry articles or demand of dowry, the FIR deserves to be quashed. While referring to the contents of the FIR, it has further been argued that during his lifetime, Maninderjit Singh had filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights on 04.08.2016, which shows that the dispute, if any, was between respondent No.2-complainant and her husband. In the absence of any specific allegation

against the petitioners, the present FIR is nothing but a total abuse of process of law.

The reply by way of affidavit of Ravinder Singh, PPS, DSP, Sub Division, Mukerian, District Hoshiarpur filed on behalf of respondent No.1-State, shows that after registration of the FIR, the matter was investigated and after completion of investigation, Challan was presented against the petitioners and their son Maninderjit Singh. The matter is now pending before the trial Court.

No reply on behalf of respondent No.2-complainant has been filed despite having been granted sufficient opportunities including the last one on October 31, 2018.

I have heard learned counsel for the parties.

The proceedings as against the petitioners were stayed by this Court vide order dated March 15, 2018. Having perused the FIR registered at the behest of respondent No.2, this Court finds that there is no specific allegation against the petitioners, who happens to be her parents-in-law, as regard entrustment of dowry articles or demand of dowry. In fact, the very FIR reflects that respondent No.2 was not comfortable with her husband Maninderjit Singh, who was habitual of intoxicants and used to beat her under the influence of intoxicants. He also used to extend threat that he will kill the respondent No.2/complainant. The matter was even compromised in the office of Assistant Commissioner of Police, Mukerian. Further, husband of the complainant had also filed a petition under Section 9 of the Hindu

Marriage Act, 1955 for restitution of conjugal rights, which establishes the fact that the parties were not residing happily and there were some differences between respondent No.2 and her husband Maninderjit Singh. Unfortunately, Maninderjit Singh husband of the complainant had died on 02.01.2019. Therefore, in the absence of any specific allegation in the FIR against the petitioners, this Court finds that continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Accordingly, the present petition is allowed and the FIR No.54 dated 01.10.2016 under Sections 406 and 498-A IPC registered at Police Station Hajipur, District Hoshiarpur (Annexure P-2) and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

April 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No