

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

**CRM M-25063-2019 (O&M)
Date of Decision : 29.05.2019**

Jaideep

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Parveen Kaushik, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

Petitioner Jaideep has preferred the instant petition under Section 482 Cr.P.C. for quashing the case FIR No.34 dated 14.04.2019, registered under Sections 376 (2) (n), 506 IPC, at Police Station Women, Rohtak, District Rohtak and all consequential proceedings arising therefrom, on the ground that the learned trial court at the time of granting bail has observed that the prosecutrix (respondent No.2 here) is a blackmailer and she is habitual in getting the false cases of rape registered against the persons to whom she takes in her trap and after extorting money from them either withdraws the cases against the persons or endorses no objection and that she has already submitted affidavit dated 24.04.2019 (Annexure P-4).

I have heard learned counsel for the petitioner and have gone through the material available on record.

The observations by the learned trial court have been made only for the purpose of bail and nothing has been observed on the merits of

the case. So far as the affidavit (Annexure P-4) is concerned, its evidential value will be considered at the time of conclusion of trial. The offence of rape is not compoundable.

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 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 petitioner are subject to evidence. However, at this stage, it cannot be observed that the allegations

levelled against the petitioner in the aforesaid FIR are frivolous or without any substance.

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

29.05.2019
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No

(RAJ SHEKHAR ATTRI)
JUDGE