

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

**CRM M-38307 of 2019 (O&M)
Date of Decision: October 29, 2019**

Ranjit KaurPetitioner
Versus

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvinder Pal Singh, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

CRM 31402 of 2019

Since this application is moved in compliance of order dated 10.09.2019 passed by this Court, the same is allowed subject to all just exceptions. Annexure P-5 is taken on record. Office to tag the same as per Rules.

CRM M-38307 of 2019

Petitioner Ranjit Kaur has invoked the jurisdiction in this second petition under Section 482 Cr.P.C. seeking quashment of FIR 101 dated 15.11.2018 under Sections 498-A/406 IPC (Annexure P-2) as well as report under Section 173 Cr.P.C. (Annexure P-4).

Upon hearing Mr. Atul Lakhanpal Sr. Advocate assisted by Mr. Arvinder Pal Singh, Advocate for the petitioner

and perusal of the records, admittedly, the daughter-in-law of the petitioner, namely Aman, respondent No. 2, who happens to be wife of Paramjit Singh son of the petitioner instituted a complaint regarding physical, mental cruelty as well as demand of dowry by the accused/petitioner and her family and on the basis of the same, FIR 101 dated 15.11.2018 under Sections 498-A/406 IPC (Annexure P-2) was got registered against the petitioner and other family members with Police Station Begowal, Kapurthala. The contentions of the counsel that it is belatedly the allegations have come about when the son of the petitioner has gone to Italy and that it is a pure misuse of the process of the Court as no offence under Sections 406 and 498-A IPC is made out and that the allegations are vague and bogus.

Lest to say as it might prejudice the case of the petitioner, such a question of fact is a matter of evidence and it cannot be adduced in a petition under Section 482 Cr.P.C. The prima facie allegations levelled by the complainant in the said case bear out allegations of demand of dowry, physical and mental cruelty as well as the fact that the petitioner/mother-in-law was imploring the daughter-in-law to have a amorous relations as her husband has gone abroad. More so, it is well illustrated in the investigations and documents which are placed on the record to highlight giving of costly articles including the gold and cash.

The Hon'ble Supreme Court in **State of Haryana and others v. Ch. Bhajan Lal and others 1992 AIR SC 604**;, has detailed at length and enunciated the principles relating to the exercise of inherent powers under Section 482 Cr.P.C., which are reproduced as below to lay emphasis:-

- (1) Where 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) Where the allegations in the FIR 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 FIR 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.

Powers under Section 482 Cr.P.C. are to be sparingly used and, thus, no case for invoking the jurisdiction of this Court under Section 482 Cr.P.C. is made out and finding no merit, the present petition is dismissed.

October 29, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No