

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44848-2019 (O&M)
Date of Decision:- 22.10.2019

Jagmohan Jain and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Dinarpura, Advocate, for the petitioners.

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking quashing of FIR No.95, dated 26.5.2019, registered at Police Station City Jagraon, District Ludhiana Rural, Punjab, under Sections 406, 498-A, 354-A, 420 IPC.
2. Learned counsel for the petitioners at the very outset has submitted that the FIR came to be lodged pursuant to an order passed by Punjab State Commission for NRIs, Chandigarh i.e. order dated 30.4.2019 (Annexure P-8) whereas the Punjab State Commission for NRIs, Chandigarh, has no authority to direct the SHO or the local police to register a FIR.
3. I have considered the aforesaid submission. A perusal of order dated 30.4.2019 (Annexure P-8) reveals that after considering the facts of the case, the Commission had “recommended” that a case under

Sections 406, 498-A, 354-A, 420 IPC, be registered against the opposite party and that the action be taken in accordance with law. It is merely a recommendation and cannot be interpreted to be a direction for registration of a case. It was upto the authorities concerned to accept or not to accept the recommendations. In these circumstances the aforesaid contention is found to be devoid of merits and is hereby repelled.

4. It has next been submitted by learned counsel for the petitioner that the FIR has been lodged falsely as would be evident from the fact that the matter was inquired into at length not only by SHO and DSP but even by senior officials of the police comprising SIT and who had all found the allegations to be absolutely false. Learned counsel in this regard has referred to the Inquiry Report dated 28.5.2019 of SIT (Annexure P-7). It has further been submitted that the falsity of the allegations would be evident from the fact that the husband had left India immediately after marriage i.e. after about 20 days of the marriage and has never returned back to India thereafter. It has further been pointed out that in complaint dated 6.3.2018 (Annexure P-4), it is alleged that the father-in-law of the complainant had attempted to commit rape upon the complainant in August, 2018, but the said allegations are patently false as the said complaint was in fact filed in April, 2018 which is much before the date of the alleged incident of attempt to rape. It has further been submitted that the FIR is based on improvements as would be evident from the fact that in the initial complaint dated 4.3.2018 (Annexure P-1), no such

allegations of alleged rape was ever levelled and in fact the complaint is absolutely silent qua the allegations of demand of dowry. Learned counsel has also referred to the transcript of WhatsApp messages (Annexure P-10) which would show that the relations between husband and wife were perfectly cordial.

5. Having heard the learned counsel for the petitioner and while refraining from making any expression as regards merits of the case and while keeping in view the fact that the matter is still at the stage of investigation, the petition is disposed of with a direction to the Investigating Officer to look into all the aspects of the case before finalising and filing a report under Section 173 Cr.P.C. including the contentions noticed hereinabove and not to be influenced by anything observed in the order of Punjab State Commission for NRIs, Chandigarh.

October 22, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

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