

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-55544 of 2018 (O&M)
Date of decision : October 31, 2019

Prabhjot Singh

....Petitioner

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Mandeep K. Saajan, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

The accused-petitioner Prabhjot Singh resident of USA had invoked the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure (in short, the Cr.P.C.) seeking quashment of FIR 3 dated 4.9.2018, under Section 498-A IPC, registered at Police Station NRI, Ferozepur, Annexure P/1 and all consequential proceedings arising therefrom. The primary grounds that have come about that marriage between petitioner and respondent no. 3 Mandip Kaur was solemnized on 17.2.2014. It is alleged that since the petitioners side was residing in USA after

marriage they returned back to USA. It is subsequent thereto, the wife on account of matrimonial disaccord filed a case of harassment as well as demand of dowry and criminal breach of trust by way of aforesaid FIR.

The brief allegations levelled by the wife are that costly articles including gold were given at the wedding by the family of the complainant as articles of Ishtridhan to the accused side. The wife has alleged that the accused husband wanted his elder sister to migrate to USA and for her expenses for migration has sought money from the girl side and due to tussle in the family, the complainant who had gone to USA was sent back in July, 2017 and subsequently the couple instituted cases wherein the husband secured a divorce and the wife instituted the present case.

Heard Mr. Mandeep K. Saajan, learned counsel for the petitioner and perused the records.

The averment that is sought to be projected by the counsel for the petitioner that the wife as a counter-blast to the husband securing decree of divorce has filed the present case through her father and that neither any demand of dowry was made nor taken and therefore, question of its embezzlement is not made out. It is further contended by the learned counsel for the petitioner

that at no point of time, the complainant was ill-treated by the petitioner and that a false case has been got registered.

Appreciating the submissions, it needs to be kept in mind that what has been sought to be projected by the counsel for the petitioner before this Court and precisely form grounds of quashment can only be judiciously adjudicated upon adducing of evidence. It is no where even remotely reflective from the records and the arguments that gross injustice which is palpable and clear on the records have come about to the petitioners. The Hon'ble Apex Court in the case of '**State of Haryana and others v. Ch. Bhajan Lal and others**' 1992 AIR SC 604, has remarked as follows:-

“(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.”

Merely because a criminal case has been got registered at the behest of the complainant wife does not means or constitute that the same is false and motivated or that husband has managed to procure a decree of divorce cannot come in the way of the husband and his family. Rather what is apparent that the petitioner has come up before this Court with a view to stall the criminal prosecution against him as he is living abroad and thus defeat the legitimate and legal rights of the wife to prosecute the husband and his family. Nothing is illustrative necessitating interference by this Court. Finding no merit, the present petition stands dismissed.

October 31, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No