

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

**CRM-M No. 19092 of 2020
Date of decision: 17.07.2020.**

Kamal Malhotra and others Petitioners.

Versus

State of Punjab and another Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Zoya Mehta, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioners are seeking quashing of FIR No. 41 dated 31.08.2018 (Annexure P1), under Sections 498-A and 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC' - for short), registered at Police Station Women Bathinda, District Bathinda, and the charge-sheet.

Learned counsel for the petitioners contends that the FIR is vague and the material appended therewith does not support the allegations. She has referred to the judgment of this Court in the case of Raj Pal Singh and others v. State of Haryana, II (2000) DMC 572. She also contends that the matter was earlier compromised and they started living together. The petitioners are again willing to make efforts for a compromise.

I have heard learned counsel for the petitioners and have also perused the material on record.

It has been alleged in the FIR that the marriage of petitioner No. 1 and respondent No. 2 was solemnized on 25.02.2012. Although the parents

of respondent No. 2 had spend 7-8 lakhs as per the demand of the petitioners and had given sufficient jewellery as well, however, a few days after the marriage the petitioner had started harassing and humiliating respondent No. 2 and had demanded dowry, including car, LED, cash etc. and she was subjected to cruelty. After pressure from the petitioners, the parents of respondent No. 2 had given further dowry to the petitioners. To stop further harassment to respondent No. 2, her parents had also given gold chain weighing 10 grams. She had been beaten up and was threatened to bring more dowry. She had been thrown out of the matrimonial home. It is also alleged that CCTV camera was also put up in the room of respondent No. 2 to watch her activities. The 'challan' has been filed in the Court on 03.01.2020.

The judgment in Raj Pal Singh's case (supra) relied upon by learned counsel for the petitioners is distinguishable on facts from the instant case. In that case, the allegations were vague. There were also several contradictions in the allegations and it was in such circumstances that the Court had quashed the FIR.

Furthermore, the jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, to quash the FIR, especially after filing of the 'challan', has to be exercised in rare and exceptional cases. In the case at hand specific allegations have been levelled against the petitioners. Inquiry was conducted prior to the registration of FIR. The matter had also been referred to the Family Welfare Committee, Bathinda, to bring about the conciliation between the parties. Although the complainant and her relatives were present on several occasions, but the petitioners did not appear before the Committee

despite having been granted several opportunities. After investigation, the 'challan' has been filed on 03.01.2020. The allegations against Leena Mishra, the sister-in-law of respondent No. 2 (complainant) were found to be vague and she was kept in column No. 2. In view of the contents of the FIR and the 'challan', it is difficult at this stage to come to the conclusion that the allegations are vague or do not constitute a *prima facie* case for the commission of offences punishable under Sections 498-A and 506 read with Section 34 IPC.

Consequently, the petition stands dismissed.

However, it is made clear that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case. In the event of the parties arriving at a compromise, the petitioners would be at liberty to file a petition for quashing the FIR.

(ANUPINDER SINGH GREWAL)
JUDGE

17.07.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No