

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

CRM-M-24755-2020

Date of decision:-27.8.2020

Yogesh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Satish Mishra, Advocate
for the petitioners.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioners – Yogesh aged about 28 years and his father Jai Singh, aged about 63 years, residents of village Julana, District Jind have brought the instant petition under Section 482 Cr.P.C. against respondents – State of Haryana, SHO Women Police Station NIT, Faridabad and Jyoti seeking quashing of FIR No.0246 dated 18.11.2019 for the offences under Sections 323, 34, 406, 498-A and 506 IPC, registered at Women Police Station NIT, District Faridabad and subsequent proceedings.

Briefly stated, the facts of the case are that the FIR in question was recorded on the basis of written complaint submitted by complainant Jyoti daughter of Madan Lal, resident of Sanjay Colony,

Faridabad wherein she had contended that she was married with Yogesh – petitioner No.1 on 12.12.2016; her parents had spent an amount of about Rs.32 lakhs at the time of marriage, giving several items at that time, however, after the marriage, she was harassed and maltreated by her husband and his family members on account of demand of dowry; they have misappropriated her dowry articles, which belonged to her. Several instances and incidents of harassment and maltreatment have been detailed in the FIR. After registration of the FIR, the matter was investigated and on completion of investigation, challan has been filed in the Court. The case is stated to be fixed at the stage of framing of charge.

The petitioners are seeking quashing of the FIR taking various grounds stating that the allegations in the FIR are false; the FIR has been lodged as counter blast to two petitions for restitution of conjugal rights filed by the petitioner – Yogesh against his wife Jyoti; the allegations of harassment are vague lacking material particulars. Another ground taken is that FIR has been got recorded for the reason that petitioner Yogesh has gone abroad in connection with his employment and to harass him and effect his employment, he has been involved in this case.

After hearing learned counsel for the petitioners and going through the record, I find that quashing of the FIR while exercising jurisdiction under Section 482 Cr.P.C. is not called for.

Section 482 Cr.P.C. deals with inherent powers of the High Court providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may

be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

The recording of FIR by the complainant against her husband and members of in-laws family levelling allegations of harassment and maltreatment and criminal breach of trust with regard to her dowry articles can certainly be not termed as an abuse of process of law. These allegations do prima facie disclose offences under Sections 406, 498-A IPC etc. The matter is pending before the trial Court fixed at the stage of framing of charge. The petitioners have got an remedy of raising all the pleas before the trial Court at the time of framing of charge and at any other appropriate stage. Even otherwise, if the trial Court does not accept such contentions and direct framing of formal charge against the accused, then they can challenge that order by way of filing revision petition before the Court of Sessions. I do not find it a fit case to exercise power under Section 482 Cr.P.C.

Therefore, the petition is disposed of relegating the petitioners to the remedy of raising all the pleas before the trial Court at the time of framing of charge or at any subsequent stage so permissible by law.

However, nothing discussed above shall have any bearing on the merits of the case.

(H.S.MADAAN)
JUDGE

27.8.2020
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No