

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

1)

CRM-M-27383-2019
Decided on : 25.02.2020

Vikram and others

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

2)

CRM-M-38272-2019

Parveen Kumar

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by: Mr. Sachin Gupta, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J.

This order shall dispose of CRM-M-27383-2019 and CRM-M-38272-2019, as both the petitions emanate from the same FIR. However, the facts are being extracted from CRM-M-27383-2019.

The prayer in the petitions is for quashing of FIR No. 234, dated 11.10.2018, under Sections 498-A, 406, 506, 323, 313, 34 IPC, registered at Women Police Station Jind (Annexure P-1) and all subsequent proceedings arising therefrom.

At the outset, learned counsel for the petitioners submits that petitioner No.1 – Vikram (in CRM-M-27383-2019) has been declared innocent by the investigating agency. Therefore, the petition *qua* him has

been rendered infructuous and may be disposed off as such.

Ordered accordingly.

The petitioners in the instant petition(s) are the husband and parents-in-law of respondent No.2 (complainant). Learned counsel for the petitioners have vehemently submitted that the allegations levelled in the FIR in question clearly reveals that totally fabricated and concocted allegations have been levelled by respondent No.2 against the petitioners alleging maltreatment and harassment on account of demand of dowry. The allegations levelled against the petitioners do not even *prima facie* disclose the commission of any of the offences as alleged. The petitioner-husband is working in the Electricity Department and was posted as an SDO at Pehowa, whereas, his parents are residing at Kaithal. Hence, the question of respondent No.2 being subjected to torture at the hands of the parents-in-law just did not arise. In fact, it was respondent No.2 and her family, who had been indulging in abusive and uncalled for behaviour by threatening the petitioners that they would kill their daughter i.e. respondent No.2 in her matrimonial home with a firearm and thereafter implicate them in a criminal case, which would thus lead to their incarceration. Not only this, the parents of respondent No.2, had demanded a sum of ₹ 55.00 lakhs from the petitioners for purchasing some property and when the petitioners refused to oblige them, they implicated them by levelling false allegations in the FIR in hand. It was further urged that even the allegations of respondent No.2 that her pregnancy was forcibly terminated on 08th July, 2013, as she was carrying a female foetus, was nothing, but a concocted story. The true facts of the case are that during a routine checkup, the Doctor had found no cardiac activity in the foetus. It was in this background that the Doctor

herself had advised an abortion, so as to save the life of respondent No.2. It was lastly also submitted by the learned counsel for the petitioners that the FIR in question was registered at the instance of respondent No.2 (complainant), after the petitioner-husband Parveen Kumar had been granted visitation rights to meet his son Kavyansh vide order dated 20th June, 2018 (Annexure P-15) of the Child Welfare Committee, Jind. Hence, it was apparent that the FIR in question was an afterthought, which had been lodged by respondent No.2 with the sole motive to harass and embarrass the petitioners.

I have heard learned counsel for the petitioners and also gone through the FIR in question as well as other material on record.

The power of this Court to quash an FIR or complaint under Section 482 Cr.P.C. may be exercised if the allegations levelled in the FIR or complaint are ostensibly preposterous and inherently unconvincing, which reflect *mala fides* on the part of the complainant.

However, coming to the allegations levelled in the FIR in question, this Court is unable to agree with the submissions of the learned counsel for the petitioners that the allegations levelled against them do not disclose the commission of any of the offences as alleged in the FIR. In fact, on a bare reading of the allegations levelled in the FIR, it transpires that the complainant was allegedly meted out continuous harassment and maltreatment by the petitioners, which started soon after her marriage, inasmuch as, she would be taunted *qua* the inadequate dowry given to her by her parents at the time of the marriage. The complainant has also spelt out numerous specific instances of alleged mental and physical harassment and cruelty, including the petitioner-husband seeking an inquiry from the Income

Tax Department *qua* the income of the family of respondent No.2 (complainant).

In the case in hand, the evidence is yet to be adduced by the parties before the trial Court. This Court is thus not inclined to exercise its inherent powers under Sections 482 Cr.P.C., especially, when the allegations levelled in the FIR do *prima facie* attract the mischief of Sections 498-A, 406, 506, 323, 313, 34 IPC. Needless to say that the evidence produced by the parties shall be put to test before the trial Court and it will be only thereafter that the trial Court would be able to appreciate the veracity or otherwise of the allegations levelled by respondent No.2 (complainant) against the petitioners. The petitioners are at liberty to raise all the pleas as taken in the instant petition before the trial Court at the time of framing of charges.

In the above facts and circumstances of the case, no ground has been made out by the learned counsel for the petitioners, which would warrant the interference of this Court to exercise its inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 25, 2020

J.Ram

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