

CRM-M-41884-2020 (O&M)

Through video conference

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

**CRM-M-41884-2020 (O&M).
Decided on: December 14, 2020.**

Dharambir and others

.. Petitioners

VERSUS

State of Haryana and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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**PRESENT Mr.Raman Chawla, Advocate,
for the petitioners.**

Mr.Naveen K. Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.459 dated 2.10.2020, under Sections 498-A, 406, 323, 354-A, 506 and 377/34 IPC, registered at Police Station Meham, District Rohtak (Annexure P6) and all the consequential proceedings arising therefrom.

The aforesaid FIR was lodged on the basis of a complaint made by respondent No.2 through Smt.Kavita wife of Sombir

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Singh (petitioner No.4) by stating that her marriage was solemnized on 14.1.2019 with respondent No.4 who is serving in the Army. During the first week of marriage everything went well but thereafter her mother-in-law (Petitioner No.2) started telling her that respondent No.2 is from a hungry house whereas her son works in Army and that her father had to give them a car and that they assumed that her father would give a car but he did not give them anything and she (complainant) should tell her father to give them a car. She stated that her husband would come in night and start beating her and asked her to tell her house-mates to bring a car but and when she refused saying that her father does not have too much then after that night they started torturing and harassing her to an extent along with her brother-in-law Sukhbir (Petitioner No.2) and father-in-law Dharambir (petitioner No.1) and they also asked for bringing car and to meet his house-mates and started planning to kill her which she heard herself. Her husband was telling to the other house-mates that he had not even written regarding his wedding to the Army. Thereafter, her husband tried to kill her by throwing fire crackers at her on the day of Diwali but she escaped with great difficulty. On another day, she (complainant) got a phone call from his personal phone which she picked and then the person asked who are you speaking and she (complainant) told him that it was Sombir's wife speaking and then her husband came there and he threatened her very much as to why she picked the phone as he had not told anyone in the army that he was getting married. Thereafter, her brother-in-law Sukhbir started telling her that she should have physical

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relations with him and nobody will say anything to her in the house. However, after her refusal, her brother in law started forcing her and she barely saved herself. Then mother-in-law also threatened her by shouting at her and started saying that it is good for her to obey to what he is saying and started pressing upon her but the petitioner kept on refusing and after she refused both of them in the night at 10:30 PM attacked her with the knife. She screamed very hard and saved her life and her mother-in-law kept beating her and her father-in-law also kept on doing wrong things with her and it became too much that one day her father-in-law called her to his bedroom on the pretext of tea and caught her hand by saying that the Fauji is in the army and she could not stay like this and if she (complainant) would keep physical relationship with him, he will keep her happy and when she screamed her mother-in-law came there and her father-in-law was caught by understanding with her and he kept all her jewellery. It was further stated in the FIR that she barely saved her life and that her husband also forces her to have unnatural sex with him and that on refusal he beats her and takes her clothes off and she stands naked all night. Whenever, he comes drunk then he puts clothes off and also stand outside the room. When she keeps on crying then they let her come inside where her husband would also say that if she (complainant) wants to stay in this house then she has to live as wife of both brothers. Various other allegations have also been made in the FIR. It is further mentioned in the FIR that a case was taken up in the Women Police Station, Rohtak and she had registered the names of her husband, brother-in-law, mother-in-law

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and father-in-law and wherein no decision was taken but her signatures were taken by one Madamji under pressure while returning home.

The learned counsel for the petitioners has submitted that vague allegations have been made in the FIR and that earlier the matter was compromised between respondent No.2 and the petitioners vide Annexure P3 and therefore, the present FIR is liable to be quashed. He has further submitted that even as per the contents in the FIR, the allegations are bald and general in nature and respondent No.2 has tried to abuse the process of law by lodging the aforesaid FIR and therefore, the FIR should be quashed.

I have heard the learned counsel for the petitioners.

So far as the argument raised by the learned counsel for the petitioners that the allegations are vague and general in nature, the same cannot be sustained on the basis of a bare perusal of the FIR, rather specific allegations have been leveled against all the petitioners and therefore, the argument raised by the learned counsel for the petitioners does not carry any weight. So far as alleged compromise made vide Annexure P3, is concerned, it would show that earlier the dispute pertained to entry of respondent No.2 in the army records and with regard to the same, respondent No.2 had recorded that she does not want to proceed further with the complaint. The said Annexure P3 is dated 24.8.2020 whereas the present FIR was lodged afterwards on 2.10.2020 wherein it has been specifically stated by respondent No.2 – complainant that her signatures were taken under pressure. Therefore, the aforesaid

Annexure P3, cannot become a ground for quashing of FIR. The present FIR, therefore, cannot be quashed at the stage of investigation in view of the fact that parameters laid down in case State of Haryana and others Vs. Ch.Bhajan Lal & Ors. AIR 1992 SC 604 are not satisfied. At this stage, it cannot be said that the FIR, prima facie, does not make out any offence or that the ingredients of 498-A, 406, 323, 354-A, 506 and 377/34 IPC, are not satisfied. The present petition lacks merit and the FIR cannot be quashed at the threshold and consequently, the present petition is dismissed.

However, anything observed hereinabove is meant for the purpose of deciding the present petition and does not reflect on the merits of the case.

December 14, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No