

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

117

CRM-M-7262 of 2021

Date of decision :-16.02.2021

Mahesh Kumar @ Meshi and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Prabhjot Kaur, Advocate for the petitioners.

SUVIR SEHGAL, J.

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 Pandemic.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.05 dated 11.08.2018 registered under Sections 498-A and 406 IPC, 1860 at Police Station NRI, District Patiala, Annexure P-1.

Facts, in brief, are that the impugned FIR has been registered on the complaint of respondent No.2 on the allegation that she was married to Khushwinder Kumar (Happy) on 15.02.2010 and a daughter was born out of the wedlock. Her parents-in-law have expired and during their life time they had divided the residential house in three portions and one portion is with the complainant where she resides with her husband and daughter. Her husband visits Canada very often as he works there. It has been alleged that last time when her husband left for Canada, her elder brother-in-law and other family members of in-laws family threw her out from her portion of the residential house, physically assaulted her and misappropriated her

dowry articles. They also instigated her husband, who consequently, stopped giving her money for day to day expenses and her daughter's education.

Counsel for the petitioner has urged that the dispute is purely civil in nature and the lodging of the FIR against the petitioners, who are brother-in-law of the complainant-respondent No.2 and his wife-petitioner No.2, is an abuse of the process of the Court. She submits that the disputed portion of the residential house has been purchased by petitioner No.1 by virtue of sale deed dated 02.03.2016, Annexure P-2, and the complainant has deliberately suppressed this fact in her complaint.

The argument raised by the counsel for the petitioners has been considered.

A perusal of the impugned FIR shows that there are categorical and specific allegations against the petitioners of treating the complainant with physical and mental cruelty and of misappropriating her dowry articles. In such a situation, it cannot be said that the allegations even if taken at their face value do not constitute any offence and registration of FIR is an abuse of process of the Court. Applying tests as laid down by the Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal**, AIR 1992 SC 604, the impugned FIR cannot be quashed.

No other point has been argued by the counsel for the petitioners. Therefore, finding no merit in the present petition and the same is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.02.2021
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(SUVIR SEHGAL)
JUDGE