

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16281 of 2021
Date of decision:19.04.2021

Hari Krishan

... Petitioner

Vs.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Shubham Aggarwal, Advocate
for the petitioner.

SUVIR SEHGAL J.

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

Vide instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioner is seeking quashing and cancellation of FIR No.277 dated 06.09.2019 registered for offences under Sections 323, 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Parao, District Ambala qua the petitioner and for dropping his name from the list of the accused-persons in the final report (Annexure P-1).

The present petition emerges out of the First Information Report lodged by respondent No.2-Ritu, wherein, she alleged that she was married to Chetan Sharma, who is brother of the petitioner, on 12.12.2018 at Ambala. At the time of marriage, her family spent a lot of money and as per the demand of her husband and his family members, gave sufficient dowry

articles. However, soon after marriage, her husband who, was short tempered, dominating and of an aggressive nature, started treating her with cruelty. He made a demand of Rs.7.00 lakhs for a Honda Jazz Car. When the complainant requested him that her family was not in a financial position to meet the demand, he started abusing her and threatened to kill her by giving her an electric shock. Also her mother-in-law, Usha Devi and brother-in-law, Hari Krishan Sharma, further instigated her husband, colluded and ill-treated her for car etc. The FIR was registered by her at Ambala on 06.09.2019 and her statement under Section 161 of Cr.P.C was recorded wherein she stated that the petitioner used to threaten to kill her. Finding sufficient material against the accused, the investigating agency presented the impugned final report before the trial Court.

Mr. Shubham Aggarwal, counsel representing the petitioner has argued that there are no allegations of demand of dowry against the petitioner and he has been implicated as there is general tendency to involve all the family members whenever there is a matrimonial dispute. He urges that during investigation, no incriminating material has been found against the petitioner and the petitioner, who resides in New Delhi, could not have interfered in the family life of of his brother, who lives in Faridabad. He submits that the petitioner has been granted anticipatory bail by the learned Additional Sessions Judge on 11.10.2019 and has cooperated with the investigating agency.

Mr. Bhupender Singh, Deputy Advocate General, Haryana, who has been served with an advance copy of the petition, has opposed the petition and submitted that the petitioner has not approached the Court with clean hands as he has not disclosed that the charge has been framed against the petitioner and the trial is fixed for recording of evidence of the prosecution.

I have considered the submissions of counsel for the parties and have gone through the paper book with their able assistance.

There are direct and specific allegations against the petitioner. It has been alleged that not only, did he support his brother's demand for dowry but was a silent spectator when his brother harassed and made demand for dowry from the first informant and even extended threats to eliminate her and her family. Even though the petitioner may be residing separately from his brother but it has not been denied that he is on visiting terms with his brother and it has been specifically pleaded in the petition, that he visited his brother a few times. On an examination of the First Information Report and other material on the record, this Court is of the view that the accusations *prima facie* disclose offences complained of against the petitioner and no interference is called for in exercise of power under Section 482 of the Code. Furthermore, the petitioner has neither disclosed nor challenged the charge framed against him by the trial Court. For this reason again, he is not entitled to any relief.

Finding no merit in the petition, it is ordered to be dismissed.

It is made clear that any observation made hereinabove would not in any manner be construed as an observation or view with regard to the merit of the case or the defence of the petitioner.

(SUVIR SEHGAL)
JUDGE

April 19, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes