

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

**CRM-M-11495-2020(O&M)
Date of Decision :- 25.02.2021**

Arti Taunk

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

Mr.P.S. Ahluwalia, Advocate
for respondent No.2.

H.S. MADAAN, J.

By way of filing the present petition, petitioner/accused seeks quashing of FIR No.267 dated 17.9.2019, under Section 498-A IPC (Section 406 IPC added later on), registered with Police Station City Kapurthala, District Kapurthala and all the subsequent proceedings arising therefrom. The challan has been filed in the Court.

The main ground taken in the petition is that petitioner/accused is married sister-in-law of the complainant; during the course of investigation, she was found to be innocent and was not challaned, however, subsequently by way of recording a report in the DDR, she was impleaded as an accused; she has got nothing to do with

the alleged maltreatment of complainant Sandeep Kaur.

On the other hand, learned counsel for the respondent No.2/complainant has contended that there was active involvement of the petitioner in harassment and maltreatment of the complainant and the petitioner has in fact been residing in her parental house, which happened to be in-laws house of complainant Sandeep Kaur. Therefore, she has been rightly challaned and no ground is there to quash the FIR against the petitioner.

I find that keeping in view the facts and circumstances of the case the petitioner should first approach the trial Court since some of the objections sought to be taken are in the shape of mixed questions of facts and law, which may require leading evidence by the parties also, which can be done in the trial Court only.

The petitioner/accused can move application in the trial Court for discharge taking all the pleas available to her or raise the pleas at the time of consideration on charge and the trial Court is expected to consider such pleas and to pass appropriate order in accordance with law. Furthermore such pleas can be put to the prosecution witnesses during trial, raised by the petitioner/accused while being examined under Section 313 Cr.P.C. and evidence can be led by her in defence.

Section 482 Cr.P.C. saves the inherent powers of the High Court, which can be used to prevent abuse of process of any Court or otherwise to secure the ends of justice.

A complete mechanism being available under law for redressal of grievances of the petitioner/accused, the petitioner cannot possibly adopt a short-cut route to have prompt decisions by filing the

petitions under Section 482 Cr.P.C. This provision is not panacea for all the ills, grouses and grievances of a litigant. If the law does not provide any recourse to a litigant for redressal of his grievances then he may knock at the door of this Court and his grouse can be heard and dealt with in accordance with law but this Court cannot possibly take upon itself the task of resolution of every dispute when the proper forum is the Court down in hierarchy, just because a litigant wants it to be done in a hope that a prompt result would be there.

The lodging of the FIR by the complainant does not come out to be abuse of process of law and it cannot be said that the FIR does not disclose commission of any cognizable offence or deserve to be quashed for any other plausible reason.

Therefore, the petition stand disposed of accordingly relegating the petitioner to the remedy of taking all the pleas before the trial Court at appropriate stage and the trial Court would deal with such contentions, in accordance with law.

25.02.2021
Brij

(H.S. MADAAN)
JUDGE

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