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

**CRM-M-35322-2021 (O&M)
Date of decision : 01.09.2021**

Neelam

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has approached this Court for quashing of the FIR No.358 dated 19.08.2021, under Sections 120-B, 376, 406, 420, 506 IPC, registered at Police Station City Mahendergarh.

The FIR in question has been registered by respondent No.2-prosecutrix wherein, she had alleged that her husband is a seat maker in Mahendergarh and they have a 6 year old son. Her husband was admitted in Civil Hospital and during that period, she came in contact with Narender Singh son of Ramswarup. Said Narender Singh approached her. Thereafter, he promised her to get her a government job. By taking her into confidence, said Narinder Singh took some nude pictures of the prosecutrix and thereafter, started blackmailing her. He forcibly raped her time and again.

The prosecutrix alleged that petitioner-Neelam is the wife of said Narender Singh. She brought the said facts to the notice of petitioner-Neelam that her husband is blackmailing her, however, the petitioner threatened her to keep silent if she wants a government job and in case, she opens her mouth, she would be eliminated. It was further alleged that Rs.15,00,000/- was asked from the prosecutrix for getting the government job and in response to that the prosecutrix gave Rs.3,50,000/- to the petitioner and the husband-Narinder Singh. The money given by her was misappropriated. Neither government job was provided nor her money was returned. However, the husband of the petitioner kept on committing rape with the prosecutrix. On the basis of these allegations, the present FIR was registered.

Learned counsel for the petitioner vehemently contends that the petitioner has been roped in order to blackmail by the prosecutrix. It has been contended that the prosecutrix has earlier also filed similar FIRs against other persons and money was extorted from them. It has been further contended that the petitioner has lodged a complaint to the SHO, Police Station Satnati, District Mahendergarh dated 11.12.2020 wherein it was alleged that her husband is having illicit relations with the prosecutrix and she is being harassed. Learned counsel for the petitioner contends that as per various precedents laid down by the Hon'ble Supreme Court, the prosecution of the petitioner is nothing but an abuse of the process of the Court and thus, the FIR in question be quashed.

I have heard learned counsel for the petitioner and perused the records.

A bare perusal of the FIR shows that FIR was registered on 19th August 2021 and the investigation has just commenced on the basis of

the same. The contentions of learned counsel for the petitioner that the allegations are false and frivolous as the prosecutrix has earlier filed similar FIRs against various other persons is totally a subject matter of investigation on the basis of which, the trial Court would examine the evidences. Further, the nature of the allegations in the FIR pertains to the heinous offence as per the mandate of the Hon'ble Supreme Court in Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303. It is a settled law that even if there is any compromise arrived at between the parties then also the same is of no consequence in case the offence in question is a heinous offence. The case in hand, pertains to a heinous offence where the investigation agency is yet to conclude the investigation. As per the law settled by the Hon'ble Supreme Court, the jurisdiction under Section 482 Cr.P.C. has to be used sparingly by the High Court as quashing the FIR amounts to divesting the prosecution of its right of proving the case by leading the evidences. The allegations levelled by the prosecutrix are very specific in nature and needs to be investigated thoroughly.

In the totality of the facts and circumstances and as per the law settled, this Court is of the view that no case is made out for quashing the FIR under Section 482 Cr.P.C. The petition being devoid of any merits, is dismissed.

(**RAJESH BHARDWAJ**)
JUDGE

01.09.2021
m. sharma

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