

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-39628-2021
Decided on : 23.09.2021

Ashok Kumar

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gautam Diwan, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing the FIR No.473 dated 28.08.2021 under Sections 363, 366 IPC registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner while inviting the attention of this Court to the contents of the FIR in question submits that the essential ingredients to attract the mischief of Sections 363 and 366 IPC are not made out in the case in hand and hence, it would be an abuse of the process of law, in case criminal proceedings are allowed to continue. He submits that the petitioner solemnized marriage with the daughter of the complainant, arrayed as respondent No.2, on 31.08.2021 and thereafter this Court was approached by him and daughter of respondent No.2 by way of CRWP No.8374 of 2021 (Annexure P-2) seeking protection of their life and liberty. He further submits that while disposing of the aforementioned writ petition, the authorities concerned had been directed to consider and decide their representation, which had been made to the Superintendent of Police,

Kaithal on 31.08.2021. Still further, he submits that it was only later on after the disposal of the aforementioned criminal writ petition, he learnt about the registration of the FIR in question, which was registered with an oblique motive to harass and humiliate him and his family as respondent No.2 was unhappy with the marriage of his daughter with the petitioner. In support of his submissions, he has relied upon the judgment of Hon'ble Supreme Court in ***State of Haryana and others vs. Bhajan Lal and others, 1992 AIR 604*** wherein it was held that in case a patently ridiculous and improbable version has been brought forth in the FIR, the Court should unhesitatingly exercise its inherent jurisdiction under Section 482 Cr.PC and quash the FIR and all subsequent proceedings arising therefrom.

Heard learned counsel and perused the material available on record.

On a perusal of the FIR, which has been annexed as Annexure P-1, it stands revealed that respondent No.2 gave a complaint on 28.08.2021 wherein he stated:

that his daughter had been missing from home since the midnight of 24.08.2021. It was also stated by him that his daughter was suffering from mental ailment. Respondent No.2 had raised a suspicion that the petitioner had enticed away his daughter on the pretext of solemnizing marriage. Besides this, it had also been alleged by the complainant that he had come to know that the petitioner had come to their house on the fateful night, and while enticing away his daughter, had also taken away Rs.3 lakhs alongwith ornaments, after administering some intoxicant to the complainant and his wife.

On a pointed query put to learned counsel for the petitioner as to what was the stage of trial, he has apprised the Court that the investigation is still underway and challan has still not been presented.

It cannot be over-emphasised that the purpose for which an investigation is carried out, is to gather all evidence which may come to light to establish the commission of the alleged offence. In addition, it is only on the basis of the material collected during investigation, the investigating agency can delve into the merits or otherwise, of the allegations levelled in the FIR and thereafter on completion of the investigation, proceed as per the provisions of Code of Criminal Procedure.

It needs to be noticed that the petitioner is seeking quashing of FIR and all subsequent proceedings, which are yet to see the light of the day as admittedly investigation is still underway. Moreover, a perusal of the allegations levelled in the FIR in question do prima facie disclose the commission of cognizable offence(s). Therefore, in the facts and circumstances as enumerated hereinabove, this Court would loath to exercise its inherent jurisdiction under Section 482 Cr.PC to quash the FIR in question and subsequent proceedings arising therefrom, since they are yet unborn.

Accordingly, the present petition stands dismissed.

23.09.2021
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(MANJARI NEHRU KAUL)
JUDGE

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