

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43969-2021

Date of Decision: 25.10.2021

Jaswinder Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Himanshu Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

This petition has been filed praying for quashing of FIR No.3 dated 11.1.2019 under Sections 498-A IPC registered at Police Station Anandpur Sahib, Punjab, challan/final report under Section 173 Cr.P.C. and the order dated 19.8.2021, vide which the trial Court took the cognizance and charge-sheeted the petitioner for the offence under Section 498-A IPC.

As per the factual matrix of the case, the FIR in question was registered on the statement of the complainant, namely, Sarabjit Kaur. It is alleged that the marriage of the complainant was solemnized about 7 years ago with the petitioner Jaswinder Singh. After the marriage, they were blessed with two daughters, who are 6 years and 3 years of age. After about 3 years of the marriage, in-laws of the complainant started harassing and husband used to beat the complainant. It was further alleged that her in-laws were demanding dowry and on account of the same, she was being harassed and cruelty was being caused to her. She was repeatedly being beaten by her husband on account of demand of dowry. It was requested that the legal

action be taken against her in-laws. The investigation commenced and thereafter, the investigation agency filed challan under section 173 Cr.P.C. Thereafter, the Court finding sufficient material on record, charge-sheeted the petitioner for the offence under Section 498-A IPC vide its order dated 19.8.2021. Aggrieved by the same, the petitioner has approached this Court praying for quashing of the FIR and the subsequent proceedings thereon.

Learned counsel for the petitioner has contended that the allegations are false and frivolous and no offence as alleged is made out. He submits that as per the allegations of the complainant, the petitioner was not staying in the house and hence, the allegations are false and frivolous on the face of it. He submits that there are no specific allegations regarding demand of dowry. He submits that the petitioner and the respondent-wife are not staying with each other since the year 2014 and thus, there was no occasion for any demand of dowry as alleged. Learned counsel for the petitioner relies upon the judicial precedent of Hon'ble the Apex Court in case of State of Haryana vs. Bhajan Lal, AIR 1992 SC 604 to state that the allegations on the face of it do not constitute any offence, hence, the prosecution of the petitioner in the FIR is totally an abuse of the process of the Court. He further submits that in the light of the law settled, the FIR and the subsequent proceedings be quashed.

I have heard learned counsel for the petitioner.

The sum and substance of the arguments raised by learned counsel for the petitioner is that the allegations are false and frivolous and no offence is made out against the petitioner. However, he has raised various arguments, which reveals disputed question of facts. The veracity of

the allegations and the issue pertaining to the disputed question of facts is entirely the matter of evidence which is to be ascertained on the conclusion of the trial. There is no dispute regarding the law settled by Hon'ble the Apex Court in the case of Bhajan Lal (supra), however, in the facts and circumstances of the present case the same is distinguishable. The learned trial Court has found *prima facie* case against the petitioner and thus, the petitioner has been charge-sheeted. In the light of the law settled and the material on record, this Court is of the opinion that the petition is devoid of any merit and hence, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

25.10.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No