

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

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**CRM-M-51788-2021  
Decided on : 13.12.2021**

Nainpal Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Krishan Kanha, Advocate for  
Mr. N.S. Lucky, Advocate  
for the petitioner(s).

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C., for quashing of FIR No. 109, dated 26.11.2020, under Sections 376(2) of IPC, registered at Women Police Station, Sector 51, Gurugram (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that admittedly the petitioner and the prosecutrix were well acquainted with each other since 2013, while they were working in Delhi, and had been in a consensual relationship till the year 2018. However, after 2018, the petitioner moved to Punjab, whereas, the prosecutrix continued with her job in Delhi. Learned counsel submits that the the allegations levelled in the FIR in question that he was in possession of video clips, as a result of which, she was being continuously blackmailed into establishing physical relations with him after accompanying him to various places, were patently false.

Learned counsel for the petitioner further submits that the petitioner had at no point in time, promised to marry the prosecutrix and

rather it was the prosecutrix who had ditched the petitioner. Later on when the petitioner got married to another girl, she planted a false case upon him. Learned counsel has, therefore, prayed for quashing of the FIR in question, as no promise of marriage had been made by him to the prosecutrix, nor had he established sexual relations with her, as alleged in the FIR in question. Learned counsel submits that the continuation of criminal proceedings in the aforementioned facts and circumstances would be a futile exercise, as there was no qualitative evidence on record, which would even remotely show that the petitioner had sexually exploited and violated the prosecutrix after giving her false assurances of marriage.

I have heard learned counsel for the petitioner and perused the material on record including the FIR in question.

A perusal of the allegations levelled in the FIR (annexed as Annexure P-1), *prima facie* disclose the commission of an offence under Section 376(2) of IPC. It needs to be emphasized that for quashing of an FIR, only the *prima facie* allegations levelled, have to be considered by this Court and the defense of the accused cannot be gone into at this stage. No doubt, the inherent powers vested in this Court under Section 482 Cr.P.C. are very wide, however, they should be exercised with a great deal of circumspection and prudence. Final report under Section 173 Cr.P.C. already stands presented before the trial Court.

Learned counsel for the petitioner is wanting this Court to embark upon an inquiry *qua* the veracity of the allegations levelled in the FIR in question. This Court, at this stage, and that too under Section 482 Cr.P.C., cannot be expected to venture into the said exercise. The

Apex Court “**State of Odisha Vs. Pratima Mohanty, LL 2021 SC 730**”, observed as under:-

*“6.2 It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 Cr.P.C. when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 Cr.P.C. the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court.”*

As a sequel to the above, this Court is not inclined to invoke its inherent jurisdiction under Section 483 Cr.P.C. and quash the FIR in question.

Dismissed.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**December 13, 2021**

*J.Ram*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*