

In the High Court for the States of Punjab and Haryana at Chandigarh

CRM-M-3663-2022

Date of Decision: March 07, 2022

Kirpal Singh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Goyal, Advocate,
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

*(The case has been taken up through video conferencing
on account of Covid-19 Pandemic)*

Vivek Puri, J.

In this petition, the petitioners have invoked the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the FIR bearing No. 0351, dated 29.08.2020, under Sections 323, 498-A, 506 read with Section 34 of the Indian Penal Code, registered at Police Station Matlauda, Panipat and the consequential proceedings arising therefrom.

Briefly, the FIR has been registered on the allegations that the marriage of Gurpreet Kaur-complainant was solemnized with Ravinder Singh on 22.12.2019 and her parents had spent more than their capacity at the time of marriage. They had spent about Rs. 25 lakhs on the marriage in which gold and silver jewellery worth Rs. 5 lakhs, furniture, household articles, Rs. 7 lakhs for car, 2-1/2 lakhs on costly clothes, Rs. 1 lakh in cash etc. and an amount of Rs. 6 lakhs was spent on eateries and banquet hall. Soon after the marriage, the in-laws of the complainant-respondent no.2 took all the articles of istridhan in their custody and the same have not been given to her despite repeated demands. The behaviour of the family members of in-laws of the complainant-respondent no.2 was not good from the very beginning and were not happy with the dowry articles given by her parents at the time of marriage. The husband, mother-in-law and sister-in-law used to taunt that the complainant-respondent no.2 is from a starving family and sub standard dowry articles have been given. The accused had demanded an amount of Rs. 20 lakhs in dowry from the complainant-respondent no.2 and when the complainant-respondent no.2 expressed her inability to do so, she was given severe beatings. The complainant-respondent no.2 came to her parental house and narrated the entire things to her parents. Ravinder Singh, the husband of the complainant-respondent no.2, was called and he was given a sum of Rs. 1 lakh and further requested not to harass the complainant-respondent no.2 in future. Ravinder Singh gave assurance and took the complainant-respondent no.2 with him. However, after few days, the accused again started mal-treating her and was given severe beatings everyday. The

complainant-respondent no.2 became pregnant in the month of January, 2020 and her mother-in-law, sister-in-law and her husband-Ravinder Singh in connivance with each other administered some medicines to cause miscarriage in the month of March, 2020. Ravinder Singh, the husband of the complainant-respondent no.2, is having illicit relations with petitioner no.4, who is his sister-in-law and one day, the complainant-respondent no.2 had caught them red handed. The complainant-respondent no.2 tried to make her husband understand but he along with petitioner no.4 gave severe beatings and threatened to kill her. On 18.04.2020, the accused again gave beatings to the complainant-respondent no.2 and she telephonically informed her parents. On 19.04.2020, the father of the complainant-respondent no.2 along with other relatives visited the house of her in-laws. They tried their best to make the accused understand and requested not to harass and torture the complainant. The accused misbehaved with them. Ravinder Singh and petitioner no.3 had shown pistol and gun respectively to them and threatened to kill the complainant-respondent no.2. The parents of the complainant-respondent no.2 had been convening panchayat to rehabilitate the complainant-respondent no.2, but the accused had been threatening to kill her. They even refused to return the articles of istridhan.

I have heard learned counsel for the petitioners and perused the record.

It has been contended by the learned counsel for the petitioners that FIR has been lodged on the basis of false allegations, there

are general and vague allegations with regard to the demand of dowry and there is no specific allegation against any of the petitioners. Furthermore, petitioner no.1 had disinherited his son Ravinder Singh and the complainant-respondent no.2 and a public notice (Annexure P-3) in this regard was issued prior to the registration of the FIR. The marriage of the complainant-respondent no.2 with Ravinder Singh was simple and no dowry articles were given.

The powers vested under Section 482 of Code of Criminal Procedure are extra-ordinary in nature and are required to be exercised with a view to secure justice. The powers are not intended to be used to obstruct justice or cause impediment in its dispensation. The inherent powers vested in the High Court are required to be exercised in exceptional cases to prevent a miscarriage of justice and abuse of the process of Court or otherwise secure ends of justice. The power of quashing the criminal proceedings should be exercised very sparingly and with circumspection and that too in rarest of rare cases. The Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise the allegations as set out in FIR/complaint/charge-sheet. The inherent powers cannot be allowed to be exercised to stifle or hamper a legitimate prosecution.

In a recent pronouncement in *Criminal Appeal No. 873 of 2021 decided on 24.8.2021 (Saranya Vs. Bharathi and another)*, it has been held by the Supreme Court as follows:-

*“In the case of Deepak (supra), to which one of us (Dr. Justice D.Y. Chandrachud) is the author, after considering the other binding decisions of this Court on the point, namely, **Amit Kapoor v. Ramesh Chander (2012) 9 SCC 460; State of Rajasthan v. Fatehkaran Mehdu (2017) 3 SCC 198; and Chitresh Kumar Chopra v. State (Government of NCT of Delhi) (2009) 16 SCC 605**, it is observed and held that at the stage of framing of charges, the Court has to consider the material only with a view to find out if there is a ground for “presuming” that the accused had committed the offence. It is observed and held that at that stage, the High Court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, take at their face value, disclose the existence of all the ingredients constituting the alleged offence or offences. It is further observed and held that at this stage the High Court is not required to appreciate the evidence on record and consider the allegations on merits and to find out on the basis of the evidence recorded the accused charge-sheeted or against whom the charge is framed is likely to be convicted or not.”*

On advertng to the merits of the present case, it is significant to note that the petitioners no.1 to 4 are the father-in-law, mother-in-law, brother-in-law and sister-in-law (Devrani) respectively of the complainant-respondent no.2. On a query, the learned counsel for the petitioners has pointed out that the public notice with regard to disinheritance of Ravinder Singh and the complainant-respondent no.2 was issued by the petitioner no.1 on 27.07.2020. In the instant case, the marriage of the complainant-respondent no.2 was solemnized on

22.12.2019 and the FIR has been registered on 29.08.2020. It is significant to note that the perusal of the FIR indicates that the same has been registered on the basis of complaint no. 617 dated 08.06.2021 after verification of the complaint. It implies that the complaint was submitted prior to the date when public notice regarding disinheritance was issued at the instance of petitioner no.1. Consequently, the possibility cannot be ruled out that the exercise of disinheriting Ravinder Singh and the complainant-respondent no.2 has been carried out by the petitioner no.1 as a clever ploy and as a preemptive action to avoid any criminal proceedings that may be initiated on the basis of the complaint which had already been submitted by the complainant-respondent no.2 to the police authorities. As such, at this stage, it appears that this exercise has been undertaken as a result of afterthought to create a defence version in favour of the petitioner no.1. It smacks of mala fide and it will be too early to conclude false implication of any of the petitioners on the score that the petitioner no.1 had disinherited Ravinder Singh and the complainant-respondent no.2 prior to the registration of the FIR.

The version of the petitioners is to the effect that the marriage was simple and no dowry articles were given. It may be mentioned here that there is categorical version in the FIR giving the detail of amounts spent on dowry articles and the cash amount given by the parents of the complainant-respondent no.2 at the time of marriage. The genuineness of rival allegations is to be adjudicated during the course of trial and at this early stage, the version of the petitioners to the effect that

the marriage was simple and no dowry articles were given cannot be accepted.

The perusal of the contents of the FIR is indicative of the fact that substantial dowry articles and cash were given at the time of marriage. The articles of istridhan have been retained by the petitioners and they have refused to return the same to the complainant-respondent no.2 despite demand. There is allegation to the effect that the petitioners had been demanding an amount of Rs. 20 lakhs from the complainant-respondent no.2 and she was given beatings on that score. There are further allegations to the effect that the petitioners no. 2 and 4 in connivance with the husband of the complainant-respondent no.2 had administered some medicines to cause miscarriage in the month of March 2020. Furthermore, there is version of the complainant-respondent no.2 to the effect that her husband was having illicit relationship with petitioner no.4. At this stage, it shall be apt to mention here that the learned counsel for the petitioners has also pointed out that the marriage of petitioner no.4 was solemnized in the year 2015 i.e. about 5 years prior to the marriage of the respondent no.2 with Ravinder Singh. The alleged extra marital relationship is also significant aspect indicating cruelty to the complainant-respondent no.2. The complainant-respondent no.2 had also convened panchayat, but the petitioners had misbehaved them and also threatened to kill her. The allegations putforth in the FIR are indicative of demand of dowry, use of abusive language, giving beatings, attempt to miscarriage, illicit relationship of the husband and threats given to kill

her. Furthermore, there are also serious allegations with regard to the misappropriation of articles of istridhan by the petitioners.

Lastly, it may be mentioned here that it is not a case where the petitioners had been residing separate from the complainant-respondent no.2 and her husband. Furthermore, there is specific and categorical allegations which raises a strong suspicion against the petitioners for having committed the offences. Even the FIR has been registered after the verification and inquiry in the matter. The allegations as spelt out in the FIR disclose a prima facie case for the commission of offence under Sections 323, 498-A, 506 read with Section 34 IPC and no justified ground is made out to invoke the inherent powers of this Court to quash the FIR in question and consequential proceedings against the petitioners.

Accordingly, present petition is dismissed.

March 07, 2021
vkd

(Vivek Puri)
Judge

Whether speaking / reasoned : Yes
Whether reportable : Yes