

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

CRM-M-6438-2022 (O&M)
Decided on : 15.02.2022

Tilak Raj Sharma

..... Petitioner

Versus

UT, Chandigarh & another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Nevadita Malik Sharma, Advocate
for the petitioner.

Mr. Akashdeep Singh, APP, UT, Chandigarh.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.PC is for quashing the FIR No.67 dated 24.08.2020 under Sections 406 and 498-A IPC registered at Police Station Women, Chandigarh.

Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner by his wife i.e. respondent No.2 and in fact it was not the petitioner but respondent No.2 who had been subjecting him to mental cruelty and harassment. Learned counsel submits that after the registration of the instant FIR, the petitioner had been granted ex parte divorce on ground of desertion and cruelty by the Family Court, Bilaspur vide order dated 05.05.2021, which supported his case of being subjected to cruelty and harassment by respondent No.2. Learned counsel submits that in the aforementioned circumstances, continuation of criminal proceedings arising out of the FIR in question would be a futile exercise.

On a pointed query put to the learned counsel for the petitioner as to what was the stage of trial, this Court was apprised that the investigation was still underway.

Since the FIR in question is still under investigation, this Court cannot be expected to embark upon an inquiry qua the truthfulness or otherwise of the allegations levelled by the complainant as it would amount to interference with the investigation and also encroaching upon the statutory rights of the police. The police must be thus permitted to complete the investigation. Needless to add, in case the police does not find any substance in the allegations levelled by respondent No.2, it would file an appropriate report before the Court concerned as per procedure provided under law.

As a sequel to above, this Court is not inclined to invoke its inherent jurisdiction and quash the FIR in question at the nascent stage itself. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2022

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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No