

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

113

CRR-335-2022

Decided on : 24.02.2022

Jawahar Soni

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is impugning the order dated 29th November, 2021, vide which the Additional Sessions Judge, Sirsa, framed charges against the petitioner and his family in case FIR No. 753, dated 14.11.2019, u/s 376(2)(n), 498-A, 323, 406, 377, 354, 506, 34 of IPC, registered at P.S. City Sirsa, District Sirsa.

Learned Counsel for the petitioner *inter alia* contends that the Court below passed the impugned order vide which the charges were framed under section 376 (2)(n) IPC against him in a mechanical manner without appreciating that it was on the face of it a false and fabricated case. He further submits that since the prosecutrix was the legally wedded wife of the petitioner, there was no question of the ingredients under Section 376(2)(n) IPC being attracted in the instant case. Still further, learned counsel would contend that the prosecutrix was unhappy getting married to the petitioner and made no bones about it from the very beginning of their marriage, as a result of which, they developed strained relations. Learned counsel thus submits that the allegations levelled in the FIR in question of causing mental and physical harassment to the complainant for not getting dowry as

per the expectations of the accused including the petitioner were nothing but a bundle of lies and had to be appreciated in the aforementioned background of the complainant not being happy with her marriage with the petitioner.

I have heard learned counsel and perused the relevant material on record.

The prime object behind framing of charges is to enable an accused to have an idea of what is going to be tried for, by the trial Court in the light of the allegations and material collected during the course of investigation. At the stage of framing of charges, the Court has to merely satisfy itself after sifting and weighing the material produced before it by the investigating agency in its report under Section 173 Cr.P.C. as to whether a *prima facie* case is made out or not against the accused.

In the case in hand, a perusal of the allegations levelled in the FIR, which has been annexed as Annexure P-1, reveals that prior to the marriage of the complainant with the petitioner, whenever, he would visit her house, on a number of occasions he allegedly established physical relations with her without her consent. Besides this, there are also allegations that the petitioner and his family were unhappy with the dowry given at the time of the marriage to the complainant, for which she was frequently subjected to mental and physical cruelty and was also thrown out of the matrimonial home. Panchayats too, were convened in the said regard between the parties, but it did not help matters as even thereafter repeated demands of money etc. were allegedly made by the accused. The contention of the learned counsel that a false and fabricated case has been planted upon him on account of the complainant being unhappy with her marriage with the petitioner, would be a matter to be appreciated during trial. It needs to be reiterated that at the time of framing of charges, the Court cannot screen

evidence or even apply the standard, as to whether the prosecution would succeed in proving its case against the accused during trial. The truthfulness or otherwise of the allegations levelled would be appreciated only during trial when the petitioner shall get ample opportunity to test the veracity of the testimony of the prosecution witnesses on the touchstone of cross-examination.

As a sequel to the above, the material on record *prima facie* reveals that offences under Sections 376(2)(n), 498-A, 323, 406, 377, 354, 506, 34 of IPC, are made out against the petitioner and interference of this Court in the exercise of its revisional jurisdiction is thus not warranted.

Dismissed. It is clarified that anything stated hereinabove shall not tantamount to be an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 24, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*