

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

CRM-M-8262-2022

Date of decision : 28.02.2022

Surat Singh**..... Petitioner****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Johan Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for quashing the FIR No.16 dated 22.01.2021, under Sections 323, 34, 406, 498-A, 506 IPC, 1860, registered at Police Station Kosli, District Rewari along with consequential proceedings arising out of the FIR.

As per the facts of the case, the present FIR was registered by complainant-Monika. It has been alleged in the FIR that the marriage of the complainant took place with Vikas Yadav as per Hindu Rites on 11.12.2014. The marriage was performed with great pomp and show and sufficient dowry was given in the marriage to the petitioner's side. However, they were not happy with the dowry given and hence, they started harassing the complainant for demand of dowry. The FIR was lodged on the basis of the detailed allegations pertaining to physical and mental harassment caused to the complainant by the in-laws. The request was made to take legal action against all the accused named in the FIR. The investigation commenced and after the investigation, two of the accused were found innocent and kept in Coloum No.2 whereas, the

present petitioner and his son Vikas Yadav, who is husband of the complainant, were challaned.

Learned counsel for the petitioner vehemently contends that the prosecution of the petitioner is nothing but an abuse of the process of the Court. He has submitted that in the FIR, there are very general allegations against the petitioner who is the father-in-law. He submits that there are material contradictions in the statement of the complainant's father, uncle and maternal grandfather regarding the allegations in the FIR. He has relied upon the judgment titled as State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335. He has submitted that in the similarly situated circumstances, Hon'ble the Supreme Court had observed that now-a-days there is tendency to implicate more and more members of the family from the boy side. Hence, the petitioner being the father-in-law has been falsely roped in and since no case is made out against him, therefore, the FIR deserves to be quashed.

Learned counsel for the petitioner has relied upon the following judgments:-

1. Geeta Mehrotra and another Vs. State of UP and another, 2012(4) RCR (Criminal) 812.
2. Divya @ Babli and others Vs. State of Haryana and another, 2006(4) RCR (Criminal) 322.
3. Anguri Devi etc. Vs. State of Punjab etc., 2011(2) RCR (Criminal) 431.
4. Preeti Gupta and another Vs. State of Jharkhand and another, 2010(7) SCC 667.
5. Ahmad Ali Quraishi and another Vs. State of Uttar Pradesh and another, 2020 AIR (Supreme Court) 788.
6. Suresh Kumar Kamboj and others Vs. State of Haryana and another, 2020(3) RCR (Criminal) 537.

I have heard counsel for the petitioner and perused the record.

Admittedly the marriage in question took place on 11.12.2014. Thereafter, the marriage in question ran in rough weather and the present FIR was lodged. The reading of the FIR showing that there are allegations pertaining to the harassment caused to the complainant by the in-laws. Besides the demand of dowry, the allegations are of installing the CCTV cameras in the house and the petitioner is alleged to have threatened the complainant to be thrown out of the matrimonial house. All the allegations levelled are disputed question of facts. There is no gainsaying that there is a tendency of implicating the maximum persons from the boys' side, however, every case depends on its own facts and circumstances. Hon'ble the Supreme Court in State of Odisha Vs. Pratima Mohanty, 2021 SCC OnLine SC 1222 has held that the High Court should exercise the power under Section 482 Cr.P.C. with great circumspection and sparingly. Quashing the FIR by using the inherent powers under Section 482 Cr.P.C. amounts to even taking away the right of the prosecution to prove its case by adducing the evidence. As laid down by the Hon'ble Supreme Court in State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335, the FIR can be quashed in the following circumstances:-

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above,

we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- 1. Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- 2. Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
- 3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- 4. Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
- 5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
- 6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the*

institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

There is no dispute regarding the judicial precedents relied upon by counsel for the petitioner however, in the facts and circumstances of the present case, these are distinguishable. Assessing the facts and circumstances of the present case on the anvil of law settled by the Hon'ble Supreme Court, this Court is of the opinion that the present case does not qualify for exercising its jurisdiction under Section 482 Cr.P.C. in favour of the petitioner.

Finding no merit in the petition, the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

28.02.2022
m.sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No