

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

CRM-M-14057-2022

Date of decision : 02.04.2022

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

Present :- Mr. Divyadeep Walia, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

This petition has been filed praying for quashing the FIR No.83 dated 16.07.2021, under Sections 120-B, 498-A of IPC, registered at Women Police Station, Panchkula, District Panchkula and challan dated 16.11.2021 presented under Sections 120-B, 406, 498-A of IPC along with consequential proceedings.

Adumbrated facts of the case are that the present FIR was lodged by respondent No.2 Richa Jain against her husband and in-laws. The sum and substance of the allegations in the FIR are that she was married with Deepanshu Aggarwal i.e. son of the petitioner on 25.02.2020. The in-laws demanded that the marriage be solemnized at New Delhi in a five star hotel. Her in-laws i.e. Rajeev Aggarwal, the petitioner and Poonam Aggarwal, wife of petitioner, insisted and demanded that the marriage must be solemnized at New Delhi in a five star hotel. Her father agreed and spent Rs.60,00,000/- in the marriage and they gave the gold worth Rs.20,00,000/- to Deepanshu Aggarwal, Rajeev Aggarwal i.e. the petitioner, Poonam Aggarwal, Sidharth Aggarwal, Minni Aggarwal and all other belonging including their relatives gifts but they could not pay

them Rs. 1 crore as dowry money. After marriage, when she was brought to her matrimonial home at Bahadurgarh, her husband started making fun of her and made humiliating remarks for not fulfilling the demand of dowry. Her mother-in-law, sister-in-law, father-in-law and brother-in-law harassed her by way of taunting her for not bringing dowry money. It was commented by the husband that he is habitual of driving expensive car in USA and only BMW car is as per his standard of living. Thereafter, she went to USA along with her husband, however, she was harassed there also and finally, she returned back to India. On her return, her parents tried their level best to settle the matter, however, despite intervention of the respectables, all the efforts proved to be unsuccessful and the in-laws remained adamant on the demand of Rs. 1 crore. The father of the complainant expressed his helplessness in fulfilling the demand of dowry of the in-laws of the complainant and hence, having no other alternative, the complainant approached the police by way of lodging the present FIR and to take the legal action against the culprits. On lodging of the FIR, the investigation commenced, the statement of the witnesses were recorded by the investigating agency and the challan was presented. On the conclusion of the investigation, the investigating agency found the allegations substantiated only against the husband and the father-in-law i.e. the petitioner Rajeev Aggarwal who had conspired and raised demand of dowry and had harassed the complainant for the same. The allegations against rest of the accused in the FIR were not substantiated and hence, they were exonerated by the investigating agency.

Learned counsel for the petitioner has vehemently contended that the prosecution of the petitioner in the present case is nothing but an

abuse of the process of the Court. He has submitted that the petitioner is a senior citizen and father-in-law of the complainant and has no complicity whatsoever as alleged in the FIR. He submits that after the marriage, the complainant along with her husband i.e. son of the petitioner went to USA and the differences arose between both in USA itself. The petitioner is living in Bahadurgarh whereas, both the complainant and the husband were in USA and hence, the allegations leveled against him are without any substance. He submits that during investigation, the supplementary statement of the complainant was recorded under Section 161 Cr.P.C. and from the perusal of the same, it is apparent that the dispute was primarily between the husband and wife and the petitioner had no concern with the same. He has submitted that in the supplementary statement, the complainant leveled allegations primarily against her husband on account of his perverted behavior. He submits that in the overall facts and circumstances of the case, petitioner is innocent and hence, this Court should exercise its inherent jurisdiction under Section 482 Cr.P.C. for quashing the FIR qua him.

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

The petition has been filed praying for quashing of the FIR. A perusal of the allegations in the FIR shows that the complainant has levelled specific allegations that the petitioner being father of her husband insisted and demanded that marriage must be solemnized at New Delhi in a five star hotel which was accepted and Rs.60,00,000 on the marriage was spent. Various types of dowry articles were given to the in-laws. It was specifically alleged that the petitioner asked the complainant

to inform her father for minimum payment of Rs. 1 crore as dowry money. As a result, the rift between both the families kept widening. The complainant thereafter, went to USA. However, due to the differences in the temperaments between both husband and wife, she returned back to India. Thereafter, again the negotiations between both the families continued. However, the parents of the complainant having not been able to meet with the unreasonable demand of the in-laws, negotiations remained unsuccessful. A thorough investigation was carried out by the investigating agency and finally, the allegations were substantiated against the petitioner and his son. The rest of the accused mentioned in the FIR were exonerated by the investigating agency. The argument raised by the counsel for the petitioner that the petitioner is living in Bahadurgarh and he was not present in USA, his complicity in the allegations is not substantiated. On the appreciation of the argument raised and in light of the facts and circumstances of the case, this Court finds that it does not hold water. The argument raised is totally based on disputed question of facts. The petitioner is the father-in-law of the complainant and the marriage in question is an arranged marriage. The *prima facie* involvement of the petitioner in the arranged marriage of his son could not be ignored by the Court. However, the veracity of the allegations can be assessed only after a thorough trial on the basis of the appreciation of the evidence to be led before the trial Court. Hon'ble the Supreme Court time and again has cautioned the High Courts not to use the jurisdiction under Section 482 Cr.P.C. in a cavalier manner. 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. It has also been laid down by the Hon'ble Supreme Court that the High Courts are not supposed to conduct mini trial while using its power under Section 482 Cr.P.C. In the situation, the Constitutional Bench of the Supreme Court in a case titled as State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 has held as under:-

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.*

Testing the facts and circumstances of the present case and the arguments raised by counsel for the petitioner in the light of above guidelines, this Court finds that the present case do not qualify for exercising the power under Section 482 Cr.P.C. by this Court in favour of the petitioner.

The petition being devoid of any merits, is hereby stands dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.04.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No