

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 133

CRM-M-18527-2022

Date of decision : 12.07.2022

Subhash Saini

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.N.K.Malhotra, Advocate, for the petitioner.

Mr.Sumit Jain, Addl.A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.0026 dated 09.03.2021 registered under Sections 323, 34, 377, 498-A and 506 IPC at Police Station Women Cell, Jind.

Respondent No.2 filed a complaint with the police as per which she and the petitioner got married 22 years ago. The petitioner and his sisters used to beat her and had also spoiled her married life by consistently harassing her. Recently, the petitioner had asked her to get a car from her family members and that against her wishes, the petitioner used to have unnatural sex with her. On 17.09.2019 the petitioner even tried to strangle her but she was saved by her daughter and that on 18.09.2019 when the family members of respondent No.2 tried to resolve her disputes with the petitioner she was abused by the petitioner and that he also inflicted injuries upon her with a blade as a result whereof she remained admitted in a hospital.

On the basis of the afore complaint the impugned FIR was lodged after investigation of which the State found the petitioner guilty of the offences he was accused of and accordingly filed a report under Section 173 Cr.P.C. before the competent Court. At that stage the petitioner has approached this Court through the instant petition for quashing of the impugned FIR.

Learned counsel for the petitioner submits that the impugned FIR is ex-facie false as it is a counter-blast to the FIR got lodged by the petitioner against his wife being FIR No.663 dated 19.09.2019 registered under Sections 148, 149, 323, 452 and 506 IPC at Police Station Rohtak City, District Rohtak.

The afore argument raised on behalf of the petitioner is required to be considered only to be rejected.

After detailed investigation of the allegations made in the impugned FIR by the respondent-wife, the State has filed a report under Section 173 Cr.P.C. as per which the petitioner has been found guilty of offences under Sections 323, 34, 377, 498-A and 506 IPC. Nothing has been shown to this Court on the basis whereof it could be held that the allegations against the petitioner are false or that the ingredients of the provisions of law under which the petitioner is sought to be charged are not made out. Merely because at an earlier point of time the petitioner had got lodged a FIR against the complainant would not by itself constitute a reason to quash an FIR got lodged by the complainant at a later point of time especially when the investigation by the State has revealed truth in the same.

No other point was urged.

Dismissed.

12.07.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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