

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

132

CRM-M-20458 of 2022

Date of decision :26.05.2022

Rajiv Dhir @ Rajeev Dhir

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sapan Dhir, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

SUVIR SEHGAL, J.

CRM-19156-2022

Allowed as prayed for.

Petitioner is permitted to place on record typed copies of Medical Record of the petitioner as Annexures P-9 and P-10 (re-numbered as Annexures P-10 and P-11, respectively).

Main Case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No.41 dated 09.03.2019 lodged for offences under Sections 420, 498-A and 406 of IPC, 1860, at Police Station City Phagwara, District Kapurthala, Annexure P-4, alongwith all subsequent proceedings arising therefrom.

Facts, in brief, are that FIR, Annexure P-4, has been registered on the complaint of respondent No.2 on the allegation that she was married to Agam Dhir on 04.11.2015 and her marriage was registered with the Registrar at Phagwara. On demand of the accused, her parents arranged a lavish wedding and gave cash, expensive gifts and jewellery to the accused. Barely two days

after marriage, they started demanding a SUV. When she tried to reason out with them, they made a demand of cash of Rs.15 lakh and 30 tolas of gold. On her refusal, she was abused and harassed. After 17 days of marriage, her husband and father-in-law, present petitioner, left for USA leaving her behind with her grand-mother-in-law, who kept on ill-treating her. Despite the fact that her father gave Rs.1 lakh to her grand mother-in-law, there was no change in her behaviour. She was turned out of the matrimonial home in April, 2016. When her father-in-law came to India in 2017, matter was compromised and she went back, but the situation was no different. She was forced to go back to her paternal home and accused refused to return the *istridhan* articles.

Advance copy of the petition has been served upon the State.

Upon instructions, State counsel has submitted that the matter is under investigation and petition is not maintainable at this stage.

Counsel for the petitioner has argued that FIR, Annexure P-4, has been lodged falsely implicating the petitioner and his family with the sole objective of humiliating them. Counsel urges that earlier complaint, Annexure P-1, submitted by the complainant was compromised on 18.12.2017, Annexure P-3, and FIR, Annexure P-4, has been lodged on the basis of a subsequent complaint, which is verbatim and an abuse of the process of law.

Arguments of the counsel have been examined.

A perusal of the FIR, Annexure P-4, shows that the complainant has stated that a compromise was effected between the parties as a result of which she went back to her matrimonial home, but the accused continued to ill-treat her and kept on insisting with their demand of cash and gold. It is in these circumstances, she was compelled to once again leave her matrimonial home and submitted a fresh complaint, which is the basis of the FIR, Annexure P-4. Allegations have also been levelled by the complainant that she has been

harassed, ill-treated and tormented at the hands of the accused. There are specific allegations against the petitioner of treating the complainant with cruelty and of demanding and misappropriating the dowry articles. From the perusal of the material on record and looking into the facts of the case, it cannot be said that no offence has been made out against the petitioner. At this stage, only *prima facie* case is to be seen in the light of the law laid down in **State of Haryana and others versus Bhajan Lal**, 1992 Suppl. (1) SCC 335. Still further, matter is being investigated and final report under Section 173 Cr.P.C. has not been presented.

In view of this position, the petition cannot be entertained and is hereby dismissed at this stage.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.05.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No