

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

226 (3 cases)

(Through Video Conferencing)

(1)

CRM-M-24338-2020

Date of decision: 02.02.2022

Jagtar Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

(2)

CRM-M-26674-2020

Rani Devi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

(3)

CRM-M-27494-2020

Keshav Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Talim Hussain, Advocate
for the petitioners in all the cases.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. K.D.S. Sidhu, Advocate
for respondent No.2 in all the cases.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking quashing of FIR No.18 dated 23.01.2020 lodged under Sections 406, 498-A and 120-B IPC registered at Police Station Dinanagar, District Gurdaspur and the consequential proceedings arising out of the same.

While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioners

submits that totally vague and false allegations have been levelled against the petitioners by respondent No.2 inasmuch as she has failed to give any specific date or time when the alleged harassment was meted out to her. He submits that unbelievable allegations have been levelled against the petitioners by respondent No.2-complainant and the same have been levelled only to harass and humiliate her in-laws family, that too after almost 16 months from the date when she was allegedly thrown out of her matrimonial home.

Learned State counsel assisted by learned counsel for respondent No.2-complainant has vehemently opposed the prayer and submissions made by counsel opposite. At the outset, it has been submitted that the submissions made by counsel opposite qua the delay of 16 months is without any substance because when respondent No.2 was turned out of her matrimonial home by the petitioners, she was carrying a pregnancy of a few months. Thereafter, despite pleading with the petitioners time and again to take her back into the matrimonial home, they refused to take her back and rather continued to inflict mental cruelty on her by questioning her chastity, so much so, after she delivered a child, they did not even bother to visit her and see the child. It was, therefore, a continuing offence. Learned counsel for respondent No.2 while reiterating allegations levelled against the petitioners, has submitted that even prior to throwing the complainant out of the matrimonial home, the petitioners had been harassing her and making demands of car and money etc.

I have heard learned counsel for the parties and perused the

material on record.

While quashing an FIR, this Court is just to consider whether the allegations levelled in the FIR prima facie constitute the commission of offences as alleged or not. Adverting to the case in hand, a perusal of the FIR in question, indeed, reveals that the allegations prima facie constitute offences under Sections 406 and 498-A IPC and thus this Court would not want to embark upon an enquiry qua the reliability or genuineness or otherwise of the allegations levelled. The challan has already been presented by the investigating agency on the basis of material collected during investigation, therefore, all the submissions qua the false implication of the petitioners would be appreciated at the time of trial. Accordingly, all the petitions being devoid of merits are hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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