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

**CRM-M-37157-2022**

**Date of Decision: August 22, 2022**

Jagir Singh @Jangir Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Ashok Kumar Jindal, Advocate  
for the petitioners.

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**RAJESH BHARDWAJ, J.(ORAL)**

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0008, dated 22.03.2021, under Sections 498-A/406/506 IPC, registered at Police Station Women Cell, Bathinda, District Bathinda, Annexure P-1, and for quashing of impugned Final Report/Chargesheet (Challan) dated 16.06.2022, Annexure P-13, under Sections 498-A/406/506 IPC in the aforesaid FIR and all the subsequent proceedings arising therefrom.

It has been contended by counsel for the petitioners that petitioners before this Court are the parents-in-law of the complainant- Veerpal Kaur. He contends that Dalwinder Singh, i.e. son of the petitioners, was married with respondent No.2-complainant on 08.11.2009. Father of respondent No.2 is a senior police officer in Punjab police and hence the FIR has been lodged as a counter-blast to the divorce petition filed by son of the petitioners. After the marriage their son Dalwinder Singh started living with

his wife, i.e. respondent No.2 separately and thus got separated from the petitioners. Dalwinder Singh also got removed his name from the ration card of the petitioners. The complainant had a strong disliking for son of the petitioners since inception of the marriage and hence she was treating the petitioners with cruelty through various means. She used to threaten them to commit suicide and implicate them in false cases. Learned counsel for the petitioners submits that petitioners are living separately from their son and respondent No.2 and they have no concern with their matrimonial life and hence, the allegations levelled against them are totally false and frivolous. Respondent No.2 due to some medical complications is unable to conceive and hence she started remaining frustrated. Son of the petitioners suggested the complainant to adopt a child from orphanage but she flatly refused the proposal. Due to her negligence and carelessness, she was terminated from the Government job. It is further submitted that respondent No.2-complainant herself left the matrimonial home in December 2020 after quarrelling and abusing son of the petitioners. As it became difficult for their son to live with respondent No.2-complainant, he filed a divorce petition for dissolving the marriage and the same is pending adjudication. After receiving the notice in the divorce petition, respondent No.2 lodged the present FIR as a counter-blast to the same in order to compel son of the petitioners to withdraw the divorce petition.

Learned counsel for the petitioners has further submitted that respondent No.2 has already taken all the jewellery at the time of leaving the matrimonial home and thus, the allegations pertaining to the misappropriation of the dowry articles are totally false and frivolous. He

submits that there are no specific allegations regarding the date, time and

place of entrustment of any dowry articles to the petitioners and hence false implication of the petitioners is writ large. He has submitted that the allegations are totally general in nature and thus, no prima facie case is made out against the petitioners. He has relied upon the judicial precedents of Hon'ble Apex Court in **Ramesh and others vs State of Tamil Nadu (SC)**, Law Finder Doc Id # 82076 and **Sushil Kumar Sharma vs Union of India and others** 2005(3) RCR (Criminal) 745. Learned counsel further submits that prosecution of the petitioners is nothing but an abuse of the process of the Court and hence, FIR deserves to be quashed.

Heard.

Admittedly, marriage between son of the petitioners and respondent No.2 was solemnized in November 2009. However, the marriage ran into rough weather and thus, rift between both the husband and the wife kept on widening and resultantly, the inter se litigation started between them. Son of the petitioners filed the petition under Section 13 of the Hindu Marriage Act for dissolution of the marriage and respondent No.2 filed the FIR in question against her husband and in-laws including the petitioners. A perusal of the allegations levelled in the FIR gives a detailed account of the marriage and the alleged harassment caused to the complainant for demand of dowry and misappropriation of the dowry articles. Petitioners before this Court are none other than the parents-in-law of the complainant. The complainant had alleged about her humiliation at the hands of the petitioners. It has also been alleged that all the accused conspired to evict her from the matrimonial home. The dowry articles were entrusted and the same were also allegedly misappropriated. The arguments advanced and perusal of the record would show that the whole case is full of

disputed questions of fact. While exercising its power under Section 482 Cr.P.C., the Court is to proceed with utmost circumspection as held by the Hon'ble Apex Court in plethora of judgments. It is totally beyond the jurisdiction of the High Court in deriving a conclusion on the basis of simple arguments raised whereas the veracity of the allegations can be established only after a thorough and fair investigation.

Hon'ble the Supreme Court in the case of **State of Haryana and others vs Bhajan Lal and others** (1992 supp (1) SCC 335) laid down the parameters for exercising of inherent powers under Section 482 Cr.P.C. which reads as under:-

“(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 F.I.R. 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.”

The Hon'ble Supreme Court in **Neeharika Infrastructure Pvt.Ltd. Vs State of Maharashtra**, 2021 SCC Online SC 315 has held that quashing of FIR is an exception rather than an ordinary rule and the High Court should exercise the powers under Section 482 Cr.P.C. sparingly with circumspection and the criminal proceedings ought not to be scuttled at the initial stage.

Weighing the facts and circumstances of the present case on the anvil of statutory parameters and the settled law, this Court finds that the petitioners do not qualify for invoking the extraordinary jurisdiction in their favour. Hence, the present petition being devoid of any merit is hereby dismissed.

August 22, 2022  
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( **RAJESH BHARDWAJ** )  
JUDGE

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

**Yes/No**  
**Yes/No**