

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-49394 of 2021 (O&M)
Date of decision:16.05.2022

Sunil Kumar and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Hardeep Singh Dhillon, Advocate
for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL J.

CRM No.14765 of 2021

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed from 28.09.2022 to today
and it is ordered to be taken up on Board.

CRM-M-49394 of 2021

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioners seek quashing of FIR No.259 dated 19.09.2020 registered for offences under Sections 323, 354, 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Mullana, District Ambala (Annexure P-1) alongwith all consequential proceedings arising therefrom qua the petitioners.

Facts, in brief, are that the impugned FIR (Annexure P-1) has

been registered on the complaint of Anjali, respondent No.2, on the allegation that she was married to Anil Kumar on 26.07.2020 at Ambala. The family of her in-laws have been taunting and harassing her as they were not satisfied with the dowry. Her mother-in-law has been repeatedly telling her that her son was supposed to get a car in dowry and in case she did not get one, he will leave her. On 09.08.2020, her mother-in-law made her drink water spiked with some medicine and forcibly took her to Goga Marhi for worship, tied her hands with a rope as they believe in *tantrik vidhya* and when they brought her back home, her condition deteriorated. When she regained consciousness, she saw that her parents had reached as a neighbour had informed them that she was being taken somewhere in a car in an unconscious condition. It has also been alleged that her brother-in-law misbehaved and tried to develop physical relations with her, but she was saved in the nick of time as she raised an alarm and some passerby intervened. She has requested that legal action may be taken against them.

Counsel for the petitioners submits that petitioner No.1 is the brother-in-law and petitioners No.2 and 3 are the in-laws of complainant-respondent No.2, who have been named in the FIR (Annexure P-1) on the basis of false, vague and baseless allegations to harass them. He has referred to a notice dated 08.08.2020 (Annexure P-6) published in the newspaper and affidavit of petitioner No.2 to submit that both the complainant and her husband have been disowned by the father-in-law.

Advance copy of the petition has been served upon the State. Upon instructions from L/HC Santosh Devi, State counsel has opposed the

petition by making a reference to the challan, Annexure P-2 to submit that despite being served, petitioners have not joined the investigation and challan (Annexure P-2) has been presented against Anil Kumar, husband of the complainant-respondent No.2, who is facing trial.

Heard counsel for the parties.

There are specific allegations against the petitioners. The in-laws of the complaint, petitioners No.2 and 3 are alleged to have ill-treated and tormented her and made repeated demands of dowry. As per the allegations, she is being treated in an inhuman manner. Accusations have been levelled against petitioner No.1, brother-in-law of the complainant that he has tried to outrage her modesty. Public notice (Annexure P-6) as well as affidavit of petitioner No.2 will remain a subject matter of trial and cannot be examined, at this stage.

On an examination of allegations levelled in the FIR, this Court is *prima facie* of the view that it cannot be said that the allegations do not constitute an offence or that the registration of the FIR is an abuse of process of law. It has been held by the Supreme Court in **Veena Mittal Vs. State of Uttar Pradesh and others 2022 (1) RCR (Criminal) 818** that allegations in the FIR must be read as they are and it is only if no offence, as alleged, is made out that the Court may be justified in exercising its jurisdiction to quash the FIR. Moreover, record shows that all the three petitioners have not joined the investigation and are on the run. This Court, therefore, is not inclined to exercise its discretionary jurisdiction in their

favour. Finding no merit in the present petition, it is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

May 16, 2022
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>