

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

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CRM-M-54726-2022

Date of decision :-12.12.2022

Krishan Lal Rana and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shashi Kumar Rattan, Advocate for the petitioners.

SUVIR SEHGAL, J.

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners have approached this Court seeking quashing of FIR No.138 dated 23.06.2018, Annexure P-1, lodged at Police Station City Kharar, District SAS Nagar, for offence under Section 498-A of IPC, 1860,

Factual matrix leading to the filing of the petition is that petitioner No.3 is the husband and petitioners No.1 and 2 are the parents-in-law of complainant/respondent No.2. FIR, Annexure P-1, has been registered by complainant/respondent No.2 on the allegation that the petitioners have been harassing her and demanding that she should get money from her mother. It has been stated that on an earlier occasion, when the harassment was brought to the notice of the officials of the Women Cell, with their intervention, she was sent back to her in-laws house. She started residing separately on the ground floor, however, the situation did not improve. She was physically assaulted by them and they started pressurizing

her to commit suicide. On 23.03.2018, she was severely beaten and as her phone was snatched, she could not inform her parents. On the next day, when she found an opportunity, she called up on police helpline.

Counsel for the petitioners has argued that marriage of petitioner No.3 was solemnized with complainant/respondent No.2 on 27.11.2015 and she started residing with her in-laws at Delhi. He submits that a child was born out of the wedlock and when some dispute arose between the parties, it was settled by way of a mutual compromise on 16.09.2017, Annexure P-3. He submits that the petitioners have been embroiled in a criminal case on the basis of false allegations and they have been representing to the authorities regarding their false implication as well as about the defiant attitude of complainant/respondent No.2. Reference has also been made by the counsel to the petition filed under Section 09 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, Annexure P-10. Counsel submits that on conclusion of investigation, challan has been presented and charge has been framed, but despite repeated opportunities, not a single witness has been examined. He submits that as the offences against the petitioners are not made out, impugned FIR deserves to be quashed.

Heard counsel for the petitioners.

There are specific allegations against the petitioners of harassment and cruelty as well as of demand of dowry in the FIR. Complainant has not only made a reference to the earlier complaint and settlement, but has also alleged that the attitude of the petitioners did not improve. Complainant is being pressurized to bring dowry, and still worse, they have been instigating her to commit suicide. Prima facie, this Court is

of the opinion that cognizable offence is made out. On the basis of investigation conducted, final report has been presented and charge has been framed against the petitioners. This Court, therefore, is of the opinion that keeping in view the guidelines laid down by the Supreme Court in State of Haryana and others versus Ch. Bhajan Lal, 1992 Suppl. (1) SCC 335 and Ms. Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others 2021 (2) Law herald (SC) 1419, no case is made out for quashing of the FIR.

Petition being bereft of merit is hereby dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of case and the trial court shall proceed and conclude the trial uninfluenced by anything said hereinabove.

12.12.2022
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(SUVIR SEHGAL)
JUDGE

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