

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

CRM-M-54722-2022
Date of decision: 24.11.2022

Anita Puri and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Veneet Sharma, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.

The petitioners have approached this Court praying for quashing of the FIR No.144, dated 29.04.2021, registered under Section 498-A IPC, at Police Station Dera Bassi, District SAS Nagar (Mohali) and the report under Section 173 Cr.P.C. dated 30.09.2022, under Sections 406, 498-A IPC and all the subsequent proceedings arising therefrom.

As per the facts of the case, the present FIR was lodged by the complainant, namely Raveena Sharma. It was alleged that her marriage was solemnized with Manish Puri i.e. the son of the petitioners on 25.10.2020. It was the second marriage of both the complainant and Manish Puri. After marriage, her husband and family members became greedy and they started harassing her for demand of dowry. Though her parents spent huge amount on the marriage beyond their capacity, however, her in-laws were not satisfied with the same. She was beaten and tortured time and again. Her father-in-law had an evil eye upon her and number of times, he tried to outrage her modesty. Her *isridhan* was entrusted to her in-laws, which was mis-appropriated by them. Besides this there were various allegations levelled against her husband

and the petitioners. Request was made to take legal action against the accused. On registration of FIR, investigation commenced and challan was presented.

Learned counsel for the petitioners has vehemently contended that the petitioners before this Court are the parents-in-law of the complainant. He has submitted that the petitioners and respondent No.2-complainant came in contact through website Jeevansathi.com and they decided to get their son married to the complainant. He has submitted that ring ceremony took place on 25.10.2020, however, date of marriage was yet to be fixed. He submits that after the ring ceremony, the petitioners decided not to marry their son with the complainant and hence, marriage did not take place. He submits that once the marriage had not taken place, there was no relationship of husband and wife between the son of the petitioners and the complainant. He submits that as after the ring ceremony, the relationship did not culminate in the marriage, the complainant-respondent No.2 hatched a conspiracy and lodged the present FIR. He submits that during investigation the statement of Pujari Deepak Gupta was recorded by the Investigating Agency under Section 161 Cr.P.C., which would show that marriage of the complainant did not take place with the son of the petitioners. He has relied upon **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** and submits that prosecution of the petitioners is nothing but an abuse of the process of the Court.

Heard.

From the reading of the allegations in the FIR, it is apparent that the complainant has levelled specific allegations that she got married with the son of the petitioners on 25.10.2020. Her parents spent about Rs.18 lacs beyond their capacity on the marriage, however, after marriage as her husband and in-laws were not satisfied with the dowry given, they started harassing her.

She was beaten mercilessly time and again. Her father-in-law also tried to outrage her modesty. Her *istridhan* was also mis-appropriated by the husband and in-laws including the petitioners. Hon'ble Supreme Court in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed in **Bhajan Lal's** (supra) as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

- (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 FIR 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.”

Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or

F.I.R may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the

High Court shall be well within its jurisdiction to quash the criminal proceeding.”

Recently, Hon'ble the Supreme Court in the case of **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and another, 2021 SCC Online SC 315** has held that the High Court should exercise the power of quashing under Section 482 Cr.P.C. sparingly with great circumspection and sparingly, as it has been observed, in the rarest of rare cases and also criminal proceedings ought not to be scuttled at the initial stage.

The contentions raised by learned counsel for the petitioners regarding not having performed the marriage of their son with the complainant is totally a disputed question of facts, which can be gone into by the trial Court only after appreciation of evidence led by respective parties. However, this Court cannot decide the issue involved in this case by invoking its inherent power under Section 482 Cr.P.C.

Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that case in hand fails to qualify for invoking the inherent jurisdiction. Resultantly, the present petition being devoid of any merit is hereby dismissed.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.11.2021

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No