

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(131)

CRM-M-56557-2022
Date of Decision: 06.12.2022

Satnam Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. I.S. Kooner, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

This is the second petition filed under Section 482 Cr.P.C praying for quashing of FIR No.31 dated 22.4.2022 under Sections 376 and 506 IPC (Section 376(2)(N) IPC was added later on), registered at Police Station, Bhadson, District Patiala and all the subsequent proceedings arising therefrom.

The earlier petition i.e. CRM-M-34629-2022 was allowed to be withdrawn by this court vide order dated 5.8.2022 with liberty to the petitioner to avail the alternate remedies available to him in accordance with law.

Petitioner has again approached this court by way of the present petition with a similar prayer by changing his counsel.

Learned counsel for the petitioners has vehemently contended that both petitioner and the prosecutrix are of the age of majority and they were in consensual relationship. It is submitted that the present FIR was lodged by the prosecutrix herself under the influence of her parents. He submits that petitioner never made any promise to the prosecutrix for performing marriage with her rather it was the prosecutrix only who never

wanted to perform marriage with the petitioner. It is further submitted that prosecutrix had approached this court by way of filing CRWP-10878-2021 seeking protection for her life and liberty, however, the same was permitted to be withdrawn vide order dated 22.11.2021. To substantiate his arguments counsel has relied upon the judicial precedents in cases of ***Dr. Dhruvram Murlidhar Sonar Vs. State of Maharashtra and others, 2019(1) RCR (Criminal) 674, Vineet Kumar and others Vs. State of U.P. and another, 2017(2) RCR (Criminal) 497, Vipin Aggarwal and another Vs. State of Haryana and another, 2015(1) RCR (Criminal) 173*** etc. and has submitted that in the overall facts and circumstances of the case, prosecution of the petitioner in the present FIR is nothing but an abuse of the process of law.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

Admittedly, the prosecutrix lodged the present FIR against the petitioner on the allegations that her marriage proposal was fixed with one Vishkaran Preet on 15.8.2021, however, Satnam Singh i.e. the present petitioner, who is son-in-law of her Taya Jarnail Singh used to visit their home. When she was alone Satnam Singh clicked his photographs with her and thereafter threatened her to upload the same on social media to defame her in order to break her marriage alliance with Vishkaran Preet. Thus, under this threat he started blackmailing her and developed forcible physical relations with her. He forcibly got her signatures on some blank papers pertaining to live-in relationship with him. As she had no other way out, she approached the police for registering a case against him and take

legal action.

Though, both petitioner and the prosecutrix are of the age of majority, however, the allegations levelled by the prosecutrix that petitioner entered into forcible physical relationship with her by blackmailing her. The prosecutrix has specifically alleged that her consent was taken by the petitioner forcibly and thus the physical relationship between them was not consensual.

The judicial precedents relied upon by the petitioner are distinguishable on the facts and circumstances of this case.

The Hon'ble Supreme Court has settled the law time and again regarding exercising the jurisdiction under Section 482 Cr.P.C for quashing of FIR. A reference in this regard may be made to the law settled in case of *State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335*, wherein following parameters have been given:-

“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 channelised 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 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. Similarly the Hon'ble Supreme Court in *State of Tamil Nadu Vs. S.Martin and others (2018) 5 SCC 718* has held that assessment made by the High Court at a stage when investigation was yet to be completed is completely incorrect and uncalled for.

Learned counsel for the petitioner has been unable to satisfy this Court that how the present case is a fit case to invoke its inherent jurisdiction under Section 482 Cr.P.C in the light of the law laid down by the Hon'ble Supreme Court in the above mentioned judicial precedent.

Taking into consideration the above facts and circumstances of the present case in the light of the law settled, the present case does not fall in the category of cases allowing invoking of the inherent powers under Section 482 Cr.P.C by this Court. The veracity of the allegations levelled by the complainant can be assessed only after a thorough investigation and thereafter by the Trial Court on the basis of the evidence to be led before it.

Thus, this Court is of the opinion that the case of the petitioners does not qualify for exercising its powers under Section 482 Cr.P.C. Resultantly, the petition being devoid of any merit is hereby dismissed.

However, nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

06.12.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No