

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
201 **CRM-M-6310-2018 (O&M)**
Date of decision: 25.09.2023

Pallavi Nirmal

...Petitioner(s)

Vs.

State of Haryana and Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. M.S. Randhawa, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG Haryana.

Mr. H.P.S. Ghuman, Advocate
for respondent No.2.

NIDHI GUPTA, J.

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.30 dated 01.07.2017 under Sections 498-A, 406, 323, 506 and 34 IPC registered at Police Station Women Narnaul (Annexure P1) along with all consequential proceedings arising there from, qua the petitioner.

2. Learned counsel for the petitioner inter alia submits that petitioner is the married sister-in-law/nanad of the complainant/respondent No.2 herein. Learned counsel states that the complainant was married to the brother of the petitioner. It is submitted that even though the petitioner is the married sister-in-law of the complainant, yet she has been embroiled and falsely implicated in the present FIR. It is submitted that the only allegation made against the petitioner in the FIR (Annexure P1) is that the petitioner had snatched gold chain of the complainant and kept it with her. It is submitted that besides

this, there is no other allegation against the petitioner. Learned counsel further submits that Hon'ble Supreme Court in **"Kahkashan Kausar @ Sonam & Others Vs. State of Bihar & Others"** Law Finder Doc ID # 1941423 has held that *"General and omnibus allegations cannot manifest in a situation where relatives of complainant's husband are forced to undergo trial – FIR liable to be quashed."* Learned counsel further refers to judgment of Hon'ble Supreme Court in **"Geeta Mehrotra & Another Vs. State of U.P. & Another"** law Finder Doc ID # 397283, wherein it has been held that *"A. Indian Penal Code, Section 498A – Criminal case arising out of matrimonial dispute – A fact borne out of experience cannot be overlooked that there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute – It however, may not be misunderstood so as to infer that even if there are allegation of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified."* It is submitted that accordingly, present FIR deserves to be quashed qua the petitioner.

3. Per contra, learned counsel for the complainant/respondent No.2 submits that there are serious and specific allegations made against the petitioner in the FIR, and not just the allegation of snatching gold chain from the complainant. Learned counsel further informs this Court that charges were framed against the petitioner vide order dated 13.10.2017 and in the present petition, no challenge has been made to the above said order framing charges. In support of his contention, learned counsel relies upon judgment of Hon'ble Supreme

Court in **“Minakshi Bala Vs. Sudhir Kumar” Law Finder Doc ID # 42643**, to submit that since a prima facie view is taken as per charges therefore, FIR cannot be quashed after framing of charges. It is further submitted that proceedings qua the petitioner were stayed by this Court vide order dated 15.02.2018.

4. No other argument is made on behalf of the parties.

5. I have heard learned counsel for the parties.

6. Perusal of record of the case shows that complainant/respondent No.2 was married to brother of the petitioner on 04.12.2016. No child was born out of this wedlock. FIR was registered by the complainant after about eight months of the marriage on 01.07.2017 against her husband, father-in-law, mother-in-law and sister-in-law (present petitioner). Admittedly, the marriage of the petitioner took place thereafter in the year 2019. Therefore, the petitioner was unmarried and was admittedly living in the matrimonial home of the complainant when the complainant was married to the brother of the petitioner on 04.12.2016.

7. It is the contention of the petitioner that stereotypical and general allegations have been made against the petitioner in the present FIR, and that it has been filed with avengeful intent merely to harass the petitioner and other accused. It has further been contended on behalf of the petitioner that the only allegation contained in the FIR against the petitioner is that she is alleged to have snatched the gold chain of the complainant and kept the same with her.

8. I have gone through the record of the case. Perusal of the FIR reveals that following allegations have been made against the petitioner:-

*“...Sister-in-law Pallavi snatched gold chain from applicant which was given by applicant’s father and she kept the same with her and said that now this gold chain belongs to her and she asked me to bring another gold chain from my father.
..... That few days after marriage I fell ill due to physical and mental harassment of the accused and the accused did not allow me to make phone call to my parents and my sister-in-law (Nanad) Pallavi used to keep my mobile phone with her after snatching from me and they forced me to drink some bitter-taste medicinal liquid and said that they shall treat me with it and when I used to go to bathroom to take bath then my sister-in-law (Nanad) and mother-in-law used to lock the door from outside for several hours. They would not open the door despite my screams and they used to speak abusive language against me and they were not giving me proper food to eat and when I asked the accused about the reason for doing all this then all the above mentioned four accused said that they shall keep on harassing me like this till the time I do not fulfil their demands. On dated 15.01.2017 at time about 7/8 PM all the above mentioned four accused hatched a conspiracy and all four of them gave beatings to me. My mother-in-law Sunita got hold of both my hands and she slapped me, my sister-in-law (Nanad) Pallavi pulled my hair and she gave leg blow in my hip, my father-in-law slapped me, my husband Sumit slapped and punched me and all of them spoke abusive language against me and they asked me to make telephone call to my father and ask him to fulfil their demand of gold chain, four-wheeler and Rupee 05 lacs cash*

and they also asked me to bring cash money from my maternal uncle (mama) who is Municipal Councilor of Ward No. 3, otherwise, they shall kill me and after giving beatings to me they locked me in the room..”

9. From a bare reading of the above, it is crystal clear that serious and specific allegations have been made in the FIR against the present petitioner. Furthermore, it has been admitted by learned counsel for the petitioner that charges were framed against the petitioner vide order dated 13.10.2017. Present petition has been filed thereafter on 29.01.2018. It is therefore safe to presume that the petitioner had knowledge of the framing of charges against her. However, there is no challenge in the present petition to order dated 13.10.2017. Hon’ble Supreme Court in “**Minakshi Bala**” (**supra**) has categorically held as under:-

“7. If charges are framed in accordance with Section 240, Criminal Procedure Code on a finding that a prima facie case has been made out – as has been done in the instant case – the person arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge sheet submitted under Section 173, Criminal Procedure Code and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged and the revisional Court if so satisfied can quash the charges framed against him. To put it differently, once charges are framed under Section 240, Criminal Procedure Code the High court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240, Criminal Procedure Code nor would it be justified in invoking its inherent

jurisdiction under Section 482, Criminal Procedure Code to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course. We hasten to add even in such exceptional cases the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.”

10. Accordingly, in view of above said facts and legal position, I find no merit in the present petition and the same is hereby **dismissed.**

11. Pending application(s) if any also stand(s) disposed of.

25.09.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No