

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRM-M-34832-2023

Date of Decision: *November 08, 2023*

Deepak Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

Vivek Puri, J.

1. The petitioner is seeking to quash the FIR No. 275, dated 30.09.2020, under Sections 323, 406, 498-A, 506, 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Safidon, District Jind and the order dated 10.08.2021 passed by the Court of learned Judicial Magistrate First Class, Safidon, vide which charges have been framed under Sections 323, 406, 498-A, 506 IPC against the petitioner.

2. Briefly, the FIR has been registered on the allegations that the marriage of respondent no.2 was solemnized with the petitioner on 22.12.2016. Sufficient dowry articles were given at the time of marriage. The

petitioner along with the other accused had been alleging that less and inferior quality of dowry articles have been given. The petitioner even gave beatings to the respondent no.2. The petitioner is drug addict who used to come home late at night, giving beatings and abusing the respondent no.2. The respondent no.2 gave birth to a baby girl and was being harassed on that score. The respondent no.2 again conceived and the family members of her in-laws tried for prenatal test and on her refusal, she was given beatings. The respondent no.2 had submitted a complaint in the police station in this regard. On 27.05.2019, she was thrown out of the house. On 07.07.2019, the respondent no.2 gave birth a male child. On 11.05.2020, the accused forcibly broke the parental house of the respondent no.2 and snatched her 10 months' old child.

3. Learned counsel for the petitioner contends that allegations leveled in the FIR are false, vague and general. No specific date and time of any incident has been mentioned. There is no medical evidence to support the allegations as leveled in the FIR. The FIR was registered against the petitioner and his parents, who were found innocent during the course of investigation and challan has been presented only against the petitioner. Although, the learned trial Court had framed the charges under Sections 323, 406, 498-A, 506 IPC, but despite that the present

petition for quashing the FIR is maintainable and has relied upon **Swapnil and others vs. State of Madhya Pradesh, 2014(3) R.C.R. (Criminal) 99.**

4. It is significant to note that in the case in hand, the charge has already been framed by the learned trial Court. In such circumstances, the remedy available with the petitioner is to assail the order vide which the charge has been framed by filing a revision in the appropriate Court. It is not the case of the petitioner that he is relying upon documents which are of impeachable character. Merely because the parents of the petitioner have been found to be innocent cannot be termed to be a ground of disbelieve the version at this stage, more particularly so when the charge has been framed.

5. In **Minakshi Bala vs. Sudhir Kumar, 1994(3) R.C.R. (Criminal) 123,** it has been laid down as following:-

“7. If charges are framed in accordance with Section 240 CrPC 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 CrPC 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 CrPC the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Section 239 and 240 CrPC; nor would it be justified in invoking its inherent jurisdiction under Section 482 CrPC 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.”

6. Even in **Swapnil** (supra) relied upon by the learned counsel for the petitioner, it may be mentioned here that at the first instance, the appellant therein had filed a criminal revision before the Court of Sessions, which was dismissed and thereafter, the matter was taken to the High Court. The revision was preferred against the order vide which the charge was framed by the Court of learned Judicial Magistrate First Class.

7. As the charge has been framed against the petitioner, the remedy with the petitioner, if any, is to assail the said order vide which the charge has been framed in the revisional jurisdiction of the appropriate Court.

8. Present petition is dismissed accordingly.

November 08, 2023
vkd

(Vivek Puri)
Judge

Whether reasoned/speaking: Yes/No
Whether reportable : Yes/No