

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

CRM-M-38388-2023

Date of decision:-10.08.2023

Ravi @ Ravi Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr.Arun Luthra, DAG, Punjab
for respondent – State.

SUVIR SEHGAL, J.(ORAL)

1. By way of present petition filed under Section 482 Cr.P.C., petitioner has sought quashing of FIR bearing No.0064 dated 25.05.2022 lodged for offence under Sections 406, 120-B and Section 201 IPC (which was added later on) at Police Station Sujampur, Tehsil and District Pathankot (Annexure P1) and all subsequent proceedings arising therefrom.

2. Case of the prosecution is that FIR Annexure P1 has been registered on the complaint of Sonia. She stated that her marriage was solemnized with Sunil, son of Sadiq Masih, on 13.10.2008 at Amrtisar as per Christian rites and ceremonies. After 15 days of marriage, her mother-in-law Veena Devi in the presence of her brother-in-law - Wilson Masih, sister-in-law - Poonam and maternal uncle - Ravi Kumar

(present petitioner) forcibly took all her gold ornaments weighing 10 Tolas and 270 grams of silver and kept them with herself. Her mother-in-law told her that she will give the ornaments to her whenever she requires them. However, when she did not return the ornaments, a complaint was submitted on 23.03.2021, which was investigated and a compromise was arrived at whereby the accused agreed to return the articles or to pay the cash equivalent to its price. However, the accused went back on their word, forcing her to lodge the FIR.

3. Counsel for the petitioner has contended that the petitioner is an uncle of the complainant and has been falsely implicated. He contends that there is no allegation of embezzlement against the petitioner and he has been implicated because he is a close relative of the in-laws of the complainant. By placing reliance upon the judgments of this Court in Anisha Bhandari Versus State of Haryana 2005(2) RCR (Criminal) 429 and Harjinder Kaur and others Versus State of Punjab 2004(4) RCR (Criminal) 332, he has urged that in cases of matrimonial disputes, there is a general tendency to level inflated and exaggerated allegations roping in each and every relation of the husband and women are abusing beneficial provisions of the IPC. Reliance has also been placed by him upon the judgment of the Supreme Court in State of Haryana and others Versus Choudhary Bhajan Lal 1991(1) RCR(Criminal) 383.

4. Advance copy of the petition has been served upon the State. Upon instructions, State counsel has opposed the petition and has submitted that although the petitioner has been granted anticipatory bail by the learned Additional Sessions Judge vide dated 20.06.2022,

Annexure P-2 but on completion of investigation, a final report has been presented and the petitioner has been found to be involved in the offence. He submits that the proceedings are fixed before the trial Court on 11.08.2023 for supplying the copy of the challan and for consideration on framing of charge.

5. I have heard counsel for the parties and considered their respective submissions.

6. In *Neeharika Infrastructure Versus State of Maharashtra 2021 SCC Online SC 315* and *Veena Mittal Versus State of Uttar Pradesh and others 2022(1) RCR (Criminal) 818*, Supreme Court has held that at the stage when the High Court considers a petition for quashing criminal proceedings under Section 482 Cr.P.C., the allegations in the FIR must be read as they stand and it is only if on the face of the allegations that no offence, as alleged, is made out that the Court is justified in exercising its jurisdiction to quash the FIR. The High Court is neither required to appreciate the evidence nor to conduct a mini trial in exercise of its inherent powers. Scope of interference under Section 482, Cr.P.C. is very narrow.

7. Adverting to the facts of the case in hand, perusal of the FIR reveals that there are specific allegations against the petitioner of conniving with the co-accused, winning her confidence and depriving her of her valuable ornaments, which she had brought to her matrimonial home. When the articles were not returned, the complainant approached the police authorities where an agreement was arrived at and the accused assured the return of the articles or the payment of their value in cash. However, the accused went back on their word and

neither returned the articles nor made the payment. Petitioner is a party to this agreement and had extended the assurance along with the other accused. Allegations have been thoroughly investigated and a final report under Section 173 Cr.P.C. has been presented with incriminating material against the accused, including the petitioner, for offence under Sections 406/120-B/201 IPC.

8. Allegations levelled in the FIR, prima facie, constitute offence complained of and this Court does not intend to conduct an inquiry into the reliability of the material collected by the investigating agency. Submission of the petitioner that he has been implicated because he is maternal relative would be gone into by the trial Court at an appropriate stage.

9. In view of the above position, finding no merit in the instant petition, it is hereby dismissed.

10. It is clarified that nothing said hereinabove would be construed to be an expression of opinion on the merits of the case.

10.08.2023
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No