

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

CRM-M-48158-2023

Date of Decision: *November 14, 2023*

Usha Chadha

... Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Vivek Puri, J.

1. The petitioner has invoked the inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing the FIR bearing No. 70, dated 03.04.2022, under Sections 498-A, 406, 323, 328, 377, 506 of the Indian Penal Code (for short 'IPC'), registered at Police Station Sector 20, Panchkula and the subsequent proceedings taken in pursuance thereof.

2. Briefly, the FIR has been registered on the allegations that the marriage of the respondent no.2 was solemnized with the son of the petitioner on 12.11.2020. It was second marriage of both of them. The respondent no.2 was divorcee. The petitioner had raised two conditions i.e. the respondent no.2 will not be allowed to go for baby either natural or adopted and secondly, she will not stay with her

husband at Ghaziabad, where he was working and residing, instead stay with the children from the first marriage of her husband and the petitioner in Amritsar. The respondent no.2 gave up to desire of her own children and accepted both the conditions. The marriage was solemnized on 12.11.2020. The parents of the respondent no.2 had given a Hyundai Santro car, golden chain and ring to the son of the petitioner. The golden ear rings and ring were also given to the petitioner. The jewellery items/clothings were given to the petitioner and other family members. The petitioner and the husband of the petitioner had kept her all the heavy jewellery to the respondent no.2 in their custody. The petitioner also refused to get the marriage registered. The petitioner and the husband of the respondent no.2 had been pressuring the respondent no.2 to bear the major part of the house hold expenses. The husband of the respondent no.2 also pressurized her to contribute amount to the extent of 50% as he wanted to buy new flat in the tricity. The petitioner also pressurized the respondent no.2 to bring Rs. 10 lakhs for the purchase of a new car. The respondent no.2 had resisted as her father had given sufficient jewellery and new car in the marriage, but the petitioner and the husband of the respondent no.2 changed their behaviour towards respondent no.2 due to insufficient dowry. The husband of the respondent no.2 had been forcibly making her to

consume alcoholic drinks and indulging in unnatural sex. On that score, the respondent no.2 had developed some health issues. The respondent no.2 was being mal-treated and not given due respect and love and was used only as an object to satisfy the lust by her husband. The marriage was solemnized as she was the only child of her parents to grab their assets. The petitioner had been silently consenting for the same. The petitioner and the husband of respondent no.2 had been keeping a close watch on the salary of the respondent no.2. They have been using abusive language against the respondent no.2 and her parents. They also started provoking both the children against her for no fault and tried to create difference between the respondent no.2 and the children. The petitioner and the husband of the respondent no.2 did not allow any of the relatives of the respondent no.2 to visit the house and they had been pressuring to transfer the ownership of the parental flat. The petitioner and husband of the respondent no.2 had been threatening to put an end to the relationship for no wrong on the part of the respondent no.2.

3. Learned counsel for the petitioner contends that the petitioner is 76 years old mother-in-law of the respondent no.2. She has been falsely implicated in the instant case. The photographs and the whatsapp chats indicate that the respondent no.2 had been happily residing

in the house of her in-laws. There are general and sweeping allegations leveled in the petition without any specific date and instance. Respondent no.2 is a professional doctor and has manufactured medical record. The respondent no.2 had gone to her parental house on the pretext of attending a wedding and carried the jewellery box with her.

4. The powers vested under Section 482 of Code of Criminal Procedure are extra-ordinary in nature and are required to be exercised with a view to secure justice. The powers are not intended to be used to obstruct justice or cause impediment in its dispensation. The inherent powers vested in the High Court are required to be exercised in exceptional cases to prevent miscarriage of justice and abuse of the process of Court or otherwise secure ends of justice. The power of quashing the criminal proceedings should be exercised very sparingly and with circumspection and that too in rarest of rare cases. The Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise the allegations as set out in FIR/complaint/charge-sheet. The inherent powers cannot be allowed to be exercised to stifle or hamper a legitimate prosecution.

5. It is significant to note that the perusal of FIR indicates that there are specific and categoric allegations leveled against the petitioner and the husband of the respondent no.2 with regard to misappropriation of articles of istridhan and mal-treatment given to her. There are categoric allegations that the golden jewellery of the respondent no.2 was entrusted to the petitioner and the husband of respondent no.2 and the same has been misappropriated. The petitioner and the husband of respondent no.2 had also been pressurizing the respondent no.2 to bring Rs.10 lakhs for the purchase of a new car. She was also being pressurized to bear major part of house hold expenses. The respondent no.2 was also pressurized to transfer the ownership of the parental flat. Besides, there are allegations to the effect that the petitioner and the husband of the respondent no.2 had been using abusive language and even provoking the children against her. On account of certain acts of the husband of the respondent no.2, she had also developed some health issues. Even the petitioner and the husband of respondent no.2 never allowed the relatives of the respondent no.2 to visit the house and further wanted to snap the ties with her.

6. The version of the petitioner to the effect that the photographs and the whatsapp chats indicate that the relations between the parties were cordial cannot be

accepted at this stage, particularly because the said documents are required to be proved during the course of trial. It will be too early to accept the defence version of the petitioner with regard to the false implication particularly when there are categoric and specific allegations with regard to the misappropriation of the articles of istridhan and cruelty meted out to the respondent no.2 at the instance of the petitioner and the husband of the respondent no.2. It cannot be concluded at this stage that the medical record sought to be relied upon at the instance of the respondent no.2 has been forged and fabricated as the respondent no.2 is a professional doctor. The photographs/whatsapp chats cannot be termed to be per se admissible or documents of undoubtful authenticity at this stage. The defence version is to the effect that the respondent no.2 had carried the jewellery box, when she had gone to parental house to attend the wedding. The defence version of the petitioner is to be looked into by the trial Court at the appropriate stage of trial. It has not been disputed that the petitioner and the respondent no.2 had been residing in the same house.

7. In these set of circumstances, the allegations as spelt out in the FIR disclose a prima facie case for the commission of offence under Sections 406 and 498-A IPC and no justified ground is made out to invoke the inherent

powers of this Court to quash the FIR in question and consequential proceedings against the petitioner.

8. Accordingly, the present petition is dismissed.

November 14, 2023

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(Vivek Puri)
Judge

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