

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**150****CRM-M-11290-2024 (O&M)****Date of order: 04.03.2024****Baljinder Singh & Another****.....Petitioner(s)****Vs.****State of Punjab & Another****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Sunny K. Singla, Advocate
for the petitioners.

Mr. Sukhsandesh Singh Chahal, AAG Punjab.

Nidhi Gupta, J.

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing on merits of FIR No.50 dated 06.05.2019 registered under Sections 406 and 498-A IPC at Police Station Payal, District Khanna (Annexure P1) along with all consequential and subsequent proceedings arising therefrom including challan form/final report under Section 173 Cr.P.C. (Annexure P2) qua the petitioners.

2. Learned counsel for the petitioners inter alia submits that petitioner No.1 is the father-in-law and petitioner No.2 is the mother-in-law of complainant/respondent No.2. Son of the petitioners was married to respondent No.2 on 14.02.2018. It is submitted that the petitioners have been falsely implicated in the present FIR and no offence whatsoever is made out against them. Perusal of challan (Annexure P2) also reveals the same to be true. Moreover, the son of the petitioners and respondent No.2 have been granted divorce vide judgment and decree dated 04.11.2019

(Annexure P3). Even the appeal filed by respondent No.2 against the aforesaid decree of divorce has been dismissed for non-prosecution by a Division Bench of this Court vide order dated 06.12.2021 (Annexure P4). It is accordingly prayed that present FIR be quashed qua the petitioners.

3. No other argument is made on behalf of the petitioners.

4. I have heard learned counsel for the petitioners and perused the case file in detail.

5. Perusal of the record of the case shows that initially 7 accused persons were named in the FIR. However, challan was filed only against the present petitioners and their son.

6. FIR shows that besides allegations against the son of the petitioners (to the effect that after the marriage, respondent No.2/complainant discovered that her husband was secretly talking to some other lady namely Lovepreet Kaur), very serious allegations have been made even against the petitioners. It has been alleged that after the marriage of the complainant with the son of the petitioners, the petitioners started demanding vehicle from the complainant and her family; petitioner No.1/father-in-law used to keep an evil eye on the complainant and used to do obscene acts with her and upon her objection to the same, he threatened her. It has been specifically alleged that just a few months after marriage on 24.10.2018 at about 7 am, when the complainant was taking bath, then petitioner No.1/father-in-law opened the gas, after which she became unconscious. Then Husband of the complainant saved her and took her for treatment to the hospital.

7. It has further been alleged that Petitioner No.2/mother-in-law along with her daughter used to harass the complainant. On 15.12.2018, the accused gave beatings to the complainant and caused her injuries. It has been alleged that Petitioner No.2/mother-in-law dragged the complainant by holding her hair and snatched the locket from her neck.

8. It is my considered opinion that allegations of such nature cannot be dismissed. Accordingly, in view of the above facts considered in totality, it cannot be by any stretch of the imagination, said that the complainant has made general, vague, and/or omnibus allegations against the petitioners, or that the same is an abuse of process of law. In such a situation, it would be unjust to summarily quash the present FIR without properly enquiring into the allegations. No doubt, this Court is flooded with cases where malicious prosecution is initiated by disgruntled daughters-in-law against their aged parents-in-law and the entire family of their husband. However, in the facts and circumstances of the present case, I do not find this to be one such case.

9. Reference may be made to judgment of the Hon'ble Supreme Court in "**K. Subba Rao & Others Vs. The State of Telangana**" **2018 (14) SCC 452**, relevant part of which is reproduced hereinbelow:-

*"5. Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of process of a Court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice. See **State of Haryana v. Bhajan Lal, 1991(1) RCR (Criminal) 383: 1992 Supp. (1) SCC 335**. The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be*

roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. See Kans Raj v. State of Punjab & Ors. 2000(2) RCR (Criminal) 695: (2000) 5 SCC 207 and Kailash Chandra Agrawal and Anr. v. State of Uttar Pradesh & Ors., 2014(4) RCR (Criminal) 439 : (2014) 16 SCC 551”.

(Emphasis supplied)

10. Reference may also be made to a 3-Judge Bench of the Hon’ble Supreme Court in case titled as **“M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & Others”** Law Finder Doc ID # 1830709, relevant part of which is reproduced hereinbelow:-

“10. From the aforesaid decisions of this Court, right from the decision of the Privy Council in the case of Khawaja Nazir Ahmad (supra), the following principles of law emerge:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences;*
- ii) Courts would not thwart any investigation into the cognizable offences;*
- iii) However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, in the rarest of rare cases'. (The rarest of rare cases standard in its application for quashing under Section 482 Cr.P.C., 1973 is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);*
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the*

reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the abuse of the process by Section 482 Cr.P.C., 1973

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned

Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C., 1973 is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint; and

xv) When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C., 1973 only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

(Emphasis supplied)

11.

In view of the above, I find no ground is made out to quash FIR No.50 dated 06.05.2019 registered under Sections 406 and 498-A IPC at Police Station Payal, District Khanna (Annexure P1) on merits along with all consequential and subsequent proceedings arising therefrom including challan form/final report under Section 173 Cr.P.C. (Annexure P2) qua the petitioners. Present petition, accordingly, stands **dismissed**.
12.

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

04.03.2024

Sunena

(Nidhi Gupta)

Judge

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