



CRM-M-14878-2022

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235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14878-2022 (O&M)
Date of decision: 12.09.2024

Swarandeep Singh and others

...Petitioners

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deepak Aggarwal, Advocate
for petitioner No.1. (petition stands dismissed as withdrawn qua
petitioners No. 2 and 3 vide order dated 07.04.2022)

Mr. Gurmeet Singh, Advocate
for respondent No.2.

Mr. Vikas Bharadwaj, AAG Haryana

HARPREET SINGH BRAR J. (ORAL)

1. The present petition is preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking quashing of FIR No. 276 dated 31.08.2020 registered under Sections 498-A, 406, 323, 354-A, 506, 34 IPC at Police Station Saran, District Faridabad qua petitioner No.1.

2. Briefly, the facts as alleged are that the marriage between respondent No.2 and Manpreet Singh, brother of petitioner No.1 was solemnised on 22.02.2020 in accordance with Sikh rites and rituals. Soon after her marriage, her in-laws family started harassing her in lieu of demand of dowry. Petitioner No.3, mother-in-law and Manpreet Singh gave her beatings and threatened to kill her. They also pressurised her to divorce Manpreet Singh via e-mail. Respondent No.2 got a urinary tract infection, however, instead of taking her to a female doctor, petitioner No.1 treated her. On 24.05.2020,



petitioner No.3 told respondent No.2 to change her clothes without closing the door in presence of petitioner No.2. Ultimately, on 03.06.2020, respondent No.2 was shunned out of her matrimonial home and left at Bhadarpur, from where her parents were told to pick her up.

3. Learned counsel for petitioner No. 1 *inter alia* contends that petitioner No.1 has been falsely implicated in the present case as it is a matter of marital discord between Manpreet Singha and respondent No.2. Petitioner No.1 is a doctor working at All India Institute of Medical Sciences(AIIMS), Delhi. He has been residing at the hostel since he joined the said institute. Moreover, Manpreet Singh has also filed a petition for judicial separation under Section 10 of the Hindu Marriage Act, 1955 before the Court in Delhi. Respondent No.2 had left the matrimonial home of her own accord. In fact, a video was recorded highlighting gold ornaments being given to her by petitioner No.3.

4. Per contra, learned counsel appearing on behalf of respondent No. 2-complainant submits that the present petition is liable to be dismissed, as there are specific allegations against respondent petitioner No. 1 of interfering in the daily household work of respondent No. 2 and treating respondent No. 2, while she fell ill due to UTI infection.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that petitioner No.1 is the brother-in-law of respondent No.2. Petitioner No.1 is a doctor by profession and has been residing at the hostel at AIIMS, Delhi. As such, he had no occasion to interfere in the marital life of respondent No.2 and Manpreet Singh. The FIR(supra) indicates that vague and omnibus allegations of harrasment have been made against petitioner No.1 without any specification of month, date and year. Therefore, in



the absence of any specific allegations or incriminating surrounding circumstances, there is no justified reason to continue criminal proceedings against petitioner No.1.

6. A two Judge bench of the Hon'ble Supreme Court in ***Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667*** quashed the complainant against the sister-in-law of the complainant noting that the sole purpose of filing the complaint was to humiliate her and allowing criminal prosecution to continue would amount to an abuse of process of law. Speaking through Justice Dalveer Bhandari, the following was observed:

“34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.”

7. A two Judge bench of the Hon'ble Supreme Court in ***Girdhar Shankar Tawde vs. State of Maharashtra (2002) 5 SCC 177***, speaking through Justice Umesh C. Banerjee, opined as follows:

“18... In any event the wilful act or conduct ought to be the proximate cause in order to bring home the charge under section 498-A and not de hors the same. To have an event sometime back cannot be termed to be a factum taken note of in the matter of a charge under section 498-A. The legislative intent is clear enough to indicate in particular reference to Explanation (b) that there shall have to be a series of acts in order to be a harassment within



the meaning of Explanation (b). The letters by themselves though may depict a reprehensible conduct, would not, however, bring home the charge of section 498-A against the accused. Acquittal of a charge under section 306, as noticed hereinbefore, though not by itself a ground for acquittal under section 498-A, but some cogent evidence is required to bring home the charge of section 498-A as well, without which the charge cannot be said to be maintained...”

8. A three Judge bench of the Hon’ble Supreme Court in ***Abhishek vs. State of Madhya Pradesh 2023(4) R.C.R.(Criminal) 239*** quashed the FIR under Section 498-A of the IPC against the mother-in-law and brother-in-law of the complainant and observed that the allegations are mostly general and omnibus in nature without any specific details as to how and when her brother-in-law and mother-in-law who lived in different cities altogether subjected her to harassment for dowry. Such allegations are found to be incongruous and difficult to comprehend. Speaking through Justice Sanjay Kumar, the scope of Section 482 Cr.P.C. qua quashing of FIR stemming from offence under Section 498-A was also deliberated upon and the following observations were made:

“12. The contours of the power to quash criminal proceedings under Section 482 Cr.P.C., 1973 are well defined. In V. Ravi Kumar vs. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu and others [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In M/s. Neeharika Infrastructure (P). Ltd. v. State of Maharashtra and others [Criminal Appeal No.330 of 2021, decided on 13.04.2021], a 3-Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr.P.C., 1973 It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the 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 therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this



Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana and others v. Bhajan Lal and others [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.

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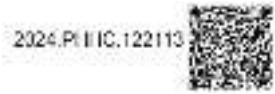
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15. Earlier, in Neelu Chopra and another v. Bharti [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in Mahmood Ali and others v. State of U.P. and others (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr.P.C., 1973. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr.P.C., 1973 or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines."

9. Time and again, the Courts have highlighted the tendency of roping in all and sundry members of the husband's family in cases filed under Section 498-A of the IPC. Recently, a two Judge bench the Hon'ble Supreme Court in ***Mahalakshmi and others vs. State of Karnataka 2024(1) R.C.R. (Criminal) 70*** quashed the criminal proceedings under Section 498-A of the IPC against the husband's sisters and cousins and observed that if the allegations are not serious and substantiated, and there is no clear evidence of



accused’s involvement in the complainant’s marital life, they cannot be implicated under Section 498-A of the IPC.

10. Accordingly, the present petition is allowed and FIR No. 276 dated 31.08.2020 registered under Sections 498-A, 406, 323, 354-A, 506, 34 IPC at Police Station Saran, District Faridabad is hereby quashed qua petitioner No. 1.

September 12, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No