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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47909-2024 (O&M)
Date of decision: 24.09.2024

Darbara Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubhashish Kukreti, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [*earlier Section 482 of
Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*] seeking quashing
of FIR No.29 dated 05.03.2022 under Sections 406 & 498-A of the Indian
Penal Code, 1860 (for short 'IPC'), registered at Police Station Dirba,
District Sangrur and all the subsequent proceedings emanating thereupon.
2. Learned counsel for the petitioner, *inter alia*, contends that the
petitioner is father-in-law of the complainant and marriage of his son with
the complainant was solemnized on 27.01.2019. After the marriage, the
complainant started harassing and humiliating the petitioner and when this



fact was told to her parents, they did not pay any heed and said that they have married the complainant with son of the petitioner and now it is your duty and without informing to the petitioner, the complainant along with her daughter left her matrimonial home and she also took gold ornaments and other precious items along with her. Thereafter, the complainant lodged the FIR (*supra*) with false and frivolous allegations of demand of dowry. The petitioner was not named in the FIR (*supra*) and in the year 2023, at the behest of the complainant and her father, the local police started harassing him and after that, he moved an application for grant of anticipatory bail, which was granted to him by learned Sessions Court, Sangrur, vide order dated 03.07.2023. Learned counsel for the petitioner submits that only general and omnibus allegations are levelled against the petitioner, which lack specificity and he relies upon judgments of the Hon'ble Supreme Court in ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667*** and ***Abhishek Vs. State of Madhya Pradesh, 2023(4) RCR (Criminal) 239***.

3. Learned counsel for the petitioner submits that the petitioner would be satisfied, in case all the documents, which are annexed with the present petition, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS (*earlier Section 173 Cr.P.C.*)

4. Notice of motion.

5. On asking of the Court, Mr. Subhash Godara, Additional A.G.,



Punjab, who is present in the Court, accepts notice on behalf of the respondent and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS (*earlier Section 173 Cr.P.C.*)

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.

7. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS (*earlier Section 173 Cr.P.C.*)

7. It is clarified that in case, final report under Section 193 of BNSS (*earlier Section 173 Cr.P.C.*) is against the petitioner, he would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS (*earlier Section 173 Cr.P.C.*).

[HARPREET SINGH BRAR]
JUDGE

24.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No