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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17099-2024 (O&M)
Date of decision: 08.04.2024

Ram Naresh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitish Sharma, Advocate and
Ms. Parul Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.187 dated 17.08.2021 under Section 498-A of the Indian Penal Code, 1860 (for short 'IPC') and Section 4 of Dowry Prohibition Act, 1961 (for short 'the Act'), registered at Police Station City Kotkapura, District Faridkot and all the subsequent proceedings emanating therefrom.
2. Learned counsel for the petitioners, *inter alia*, contends that in fact, respondent No.2 deserted the petitioner without sufficient cause, as she is a quarrelsome lady and earlier also, due to her temperament, a panchayat

was convened and the petitioner made earnest efforts to save his matrimonial life and the allegations made in the FIR (*supra*) are false and frivolous and even there is no medical report with regard to beatings given by the petitioner on 01.01.2017; rather she was doing job in a private school in Rewari and is living separately. It is alleged by respondent No.2 that on 13.08.2017, she was given merciless beatings by kick blows, however, there is no medical evidence to corroborate the said incident. It is further contended that thereafter, the petitioner filed a petition under Section 9 of the Hindu Marriage Act before the Family Court on 28.02.2020. As a counter-blast, FIR (*supra*) has been registered. It is also contended that the petitioner also filed divorce petition before the Family Court and in fact, respondent No.2 and her brother had mercilessly beaten the petitioner, regarding which FIR No.280 dated 01.04.2022 under Sections 325, 504, 506 of IPC was got registered at Police Station Bhagwanpur, District Haridwar against them. The aforesaid incident was also corroborated by the medico-legal report of the petitioner.

3. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

4. The disputed questions of facts cannot be decided by this Court. This Court cannot examine the probable defence set up by the petitioner in the present petition, however, since all these facts are matter of evidence, the same are required to be adjudicated upon by the learned trial Court.

5. In view of the above, finding no merit in the present petition, the same is dismissed.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the learned trial Court shall proceed without being prejudiced by observations of this Court.

08.04.2024
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[HARPREET SINGH BRAR]
JUDGE

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