

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

119

CRM-M-31370-2019

Date of Decision: January 29, 2024

Suresh Bala and another**.....Petitioner(s)****Vs.****State of Haryana and another****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner(s).

Mr. S.S. Pannu, Addl. A.G. Haryana.

Mr. Rakesh Gupta, Advocate
for respondent No.2.

SUDEEPTI SHARMA J. (ORAL)

The present petition has been filed under Section 482 CR.P.C. by the petitioner seeking quashing of FIR No.18 dated 25.01.2019, under Sections 323, 406, 498-A, 506 IPC, 1860, registered at Police Station Barara, District Ambala.

2. Vide order dated 24.07.2019, the trial Court was directed to adjourn the proceedings beyond the date fixed by this Court. After that, this case was adjourned to 23.09.2019 and the interim order was continued till date. By presuming that the proceedings are being stayed by this Court, investigation has not been progressed further.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present FIR and respondent

No.2, as on date, is staying in Auckland (New Zealand). Learned Counsel for the petitioner has placed reliance upon a judgment passed by a Coordinate Bench of this Court in **CRM-M-53467-2019**, titled as ***Hardev Singh and others Vs. State of Punjab and another***, decided on 08.11.2021, wherein FIR was quashed. Relevant paragraph of the same are as under:-

“11. This Court is constrained to observe that of late it has come to the fore that the investigating agency while dealing with complaints for offences under Section 406, 498 A IPC, particularly involving NRIs, has been registering criminal cases without as much as even carrying out preliminary inquiry into the allegations levelled. No doubt, the object behind the insertion of Section 498 A was to protect married women from being subjected to mental and physical cruelty, by her husband and his relatives, however, unfortunately, in some cases the provisions of Section 498 A IPC are being grossly misused. Not only this, it has also been noticed that just to settle personal scores, exaggerated and false allegations are being levelled to implicate as many relatives of the husband without there being any shred of evidence to even remotely connect them with the alleged instances of cruelty. It, therefore, becomes all the more incumbent upon the investigating agency to desist from registering criminal cases in a mechanical manner. This case is yet again a glaring example of cryptic rather tainted investigation. In the facts and circumstances of the case, this Court has no hesitation to observe that the FIM in question has been instituted against the petitioners seemingly to spite them and with an ulterior motive to wreak vengeance. The timing of the registration of the FIR in question is after the decree of divorce had been granted to petitioner No 3 and respondent No 2 coupled with the fact that respondent No.2, who is a

Canadian Citizen had not even visited India subsequent to her divorce on 16.12.2019 and had been pursuing the present case through her special power of attorney speaks volumes of the malafides behind the institution of criminal proceedings against the petitioners.”

4. Learned counsel for complainant/respondent No.2 contends that respondent No.2 was proceeded against *ex parte* and the petitioner was granted divorce. He further contends that he has moved an application before the Court below for setting aside the *ex parte* decree filed under Section 13(1) of Hindu Marriage Act, granted by the Court below. Moreover, he further contends that because the proceedings are stayed by this Court, therefore, the charges are not framed and there are allegations of harassment on account of demand of dowry.

5. I have heard learned counsel for the parties and have gone through the judgment relied upon by learned counsel for the petitioner. A perusal of the judgment titled as **Hardev Singh** (Supra) reveals that the same is distinguishable as the facts of the present case are different from the judgment as cited by him. Since in that judgment, there was a decree of divorce under Section 13-B of Hindu Marriage Act with certain conditions which were agreed between the parties whereas in the present case, the decree of divorce is *ex parte* wherein respondent No.2 has already moved an application for setting aside the same.

6. In view of the above, this Court is of the considered view that it would be in the interest of justice, if the trial proceeds and is concluded and it would not be appropriate for this Court to deal with the disputed question

of facts, which require leading of evidence. Therefore, the present petition,
at this stage, is dismissed.

7. All pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

January 29, 2024
sonia arora

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