



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRM-M-38899-2024
Date of Decision: 13.08.2024

SUKHDEV SINGH KAMBOJ

.....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Bhishnoi, Advocate
for the Petitioner

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J

1. The jurisdiction of this court has been invoked under section 482 Cr.P.C. for quashing of case FIR No.137 dated 15.08.2023 under Section 324, 323, 506, 34 of the Indian Penal Code, 1860 (for short – ‘IPC’) and during investigation Section 326 of IPC has been added, registered at Police Station Pasyana, District Patiala.

2. It is contended by the learned counsel for the petitioner that no such act as alleged in the FIR has been committed by the petitioner rather the allegations against the petitioner and his brother are totally false and frivolous since they possess German Passports. The marriage between petitioner and respondent No.2 was solemnized in the year 2001, which was

simple marriage without exchange of gifts, and they lived at Fatehabad and



both, petitioner and respondent No.2 are German citizens. Rather, the petitioner has filed Divorce application against respondent No.2 in Germany in March, 2023 and its notice has been received by respondent No.2 in July, 2023 as such the complaint, which has been culminated into FIR, is the counter blast of those proceedings.

3. He further contends that Respondent No.2 had moved an application before the Superintendent of Police, Fatehabad, on 07.08.2023, for registration of case against petitioner and his brother for dowry, manhandling and giving beatings, (Annexure P-2), but later on she refuted her statement on 10.08.2023 that she does not want any action on her complaint. It is further contended that the petitioner made a representation to the Senior Superintendent of Police, Patiala, on 24.08.2023, for further investigation which was marked to the Deputy Superintendent of Police, Samana, for necessary action and on the basis of the CCTV footage and photos produced by the petitioner, Deputy Superintendent of Police, Samana, reached to the conclusion that the allegations levelled by the respondent No.2 against the petitioner and his brother are false, frivolous and fabricated. Therefore, the present FIR is liable to be quashed in this view of the matter.

4. Before proceeding with the order to decide this petition, it will be relevant to make a reference to the allegations in the FIR where it has been alleged that was married to Sukhdev Singh in 2001 and there is a daughter born in 2004 out of this wedlock and is aged 20 years.

5. He further contends that despite having no case made out from the inquiry conducted, an FIR no. 268 dated 28.97.2022 u/s 323, 341, 506, 34 IPC came to be registered at Police Station Sector 50, Gurugram on same



set of allegations with no change in circumstances and even the Final report (Annexure P-2) does not disclose any offence to have taken place.

6. On the other hand, learned state counsel while relying upon a reply filed by Mr. Jitender, HPS, Assistant Commissioner of Police East, Gurugram on behalf of the State of Haryana contends that all the contentions raised in the instant petition are disputed question of facts which cannot be summarily tried by the Hon'ble court and has to be looked into by the Trial Court.

7. Heard learned counsel for the respective parties at length.

8. Section 482 Cr.P.C is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death. The inherent power should not be exercised to stifle a legitimate prosecution. High Court being the highest Court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. The complaint/F.I.R. has to be read as a whole. If it appears that on consideration of the allegations in the light of the statement made on oath of the complainant or disclosed in the F.I.R. that the ingredients of the offence or offences are disclosed and there is no material to show that the complaint/F.I.R. is mala fide, frivolous or vexatious, in that event there would be no justification for interference by the High Court.

9. From the above discussion along with the facts asserted in the instant petition, it can be seen that apparently there does not appear any falsity and fabrication in the story and allegations put forth by the respondent. Moreso, a perusal of the FIR further goes to show that in the

MLR (MLR/KP/133/2023 dated 15.08.2023) as many as five injuries have been mentioned by the Doctor, out of which injury No.1 is sharp and others are blunt and are reserved for Advised X-Ray, Ortho Observation.

10. In the totality of circumstances noted above, this Court does not find any case to be made out to accept the prayer of the petitioner made in this petition and accordingly, the present petition fails and is hereby ordered to be dismissed.

13.08.2024
anuradha

(SANDEEP MOUDGIL)
JUDGE

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