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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47403-2024 (O&M)
Date of decision: 23.09.2024

Rattan Singh and another
... Petitioners

Vs.

State of Punjab and another
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Puneet Kaur Sekhon, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No.77 dated 03.08.2024 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women, District Police Commissionerate Jalandhar and all the subsequent proceedings emanating thereupon.
2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are father-in-law and mother-in-law of respondent No.2-

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complainant. The marriage between son of the petitioners and respondent No.2-complainant was performed in the year 2014 and thereafter, they shifted to Delhi. There was no previous complaint or allegation against the petitioners with regard to subjecting respondent No.2-complainant to any kind of harassment on account of demand of dowry. In fact, petitioner No.1 sold his land to one Jasbir Kaur and sale proceeds were deposited in the joint account of petitioner No.1 and respondent No.2-complainant, which is clearly discernible from Annexures P-11 and P-12. Further, after the death of son of the petitioners in June, 2023, dispute arose between the petitioners and respondent No.2-complainant and the petitioners have been involved in multiple litigations, which clearly vindicates the stand of the petitioners that they have been falsely implicated in the FIR (*supra*) on account of personal and private spite just to wreak vengeance on them. Learned counsel for the petitioners 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*** and submits that only general and omnibus allegations are levelled against the petitioners, which lack specificity.

3. Learned counsel for the petitioners submits that the petitioners would be satisfied, in case all the averments made by the petitioner and the documents, annexed with the present petition, are considered by the

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Investigating Officer before submitting the final report under Section 193 of BNSS [*earlier Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*].

4. Notice of motion.

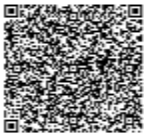
5. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State and submits that he has no objection, in case the Investigating Officer is directed to consider all the averments made by the petitioner and the documents, 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 averments made by the petitioner and the documents, annexed with the present petition, before preparing the final report under Section 193 of BNSS.

8. In view of the fact that the petitioners are on anticipatory bail and they are senior citizens, the jurisdictional police authorities are directed to strictly comply with the provisions of Section 179 of BNSS (*earlier*

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Section 160 Cr.P.C.).

9. It is clarified that in case, final report under Section 193 of BNSS (earlier Section 173 Cr.P.C.) is against the petitioners, they 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/Section 173 Cr.P.C.

23.09.2024
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[HARPREET SINGH BRAR]
JUDGE

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