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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6715-2020

Date of Decision:- 14.05.2025

Natish Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Anil Kumar Bhardwaj, Advocate with
Mr. Kuldeep Sharma, Advocate
for the petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

AMARJOT BHATTI, J.(Oral)

Petitioner Natish Kumar has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 0117 dated 18.11.2019 under Section 376(2)(n) of IPC (later on added Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Annexure P-9) registered at Police Station Women, Rohtak, on the basis of complaint dated 18.11.2019 submitted by prosecutrix/respondent No. 2 'P' against petitioner with ulterior motive.

2. As per the facts narrated in FIR No. 0117 dated 18.11.2019 (supra) (Annexure P-9), prosecutrix/respondent No. 2 filed written complaint that she has done B.Tech. In June 2015, she visited Deputy Commissioner's office to collect Aadhaar Card of her maternal grandmother. There she met Natish son of Balwan Singh who took her mobile phone No. 9729105187 on the pretext that it was to be mentioned in



Aadhaar Card. Thereafter, he called her to Kamal Garden Restaurant, where he committed rape with her against her wishes. She told him that she will file a complaint, on this he promised to marry her. On the pretext of marriage, he kept on maintaining physical relations with her. On 16.02.2016, she had a talk with him to discuss the matter with her family. He again took her to a hotel on Jind road and again committed rape with her by giving her allurements of marriage. She time and again requested him to perform marriage, thereafter he gave assurance to marry her in May 2019. After May 2019, he blocked her number. She filed a complaint to Women Police Station, Rohtak. He again misguided her and physically abused her. Prosecutrix requested for taking appropriate action against Natish. With these allegations, after inquiry present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner had come in contact with prosecutrix in the year 2015. He was working in Deputy Commissioner Office, Rohtak and was in public dealing. Gradually they started calling each other. There was a proposal for marriage from the side of prosecutrix/respondent No. 2. He discussed the matter with his friends and he came to know that earlier prosecutrix was in relation with one Balwan posted as Junior Engineer at Sampla Power House, Rohtak. He was blackmailed by prosecutrix in connivance with her father and was involved in a false criminal case. Later on, said matter was settled by receiving hefty amount from said Balwan. After getting said information, he straightway rejected marriage proposal. Prosecutrix tried to contact him, but he did not respond. He was under a fear that she may not involve him in a false



criminal case. He was shocked to receive a call from Women Police Station, Rohtak on 08.05.2019 and then he came to know that a complaint was filed against him by prosecutrix on 08.05.2019. Said complaint was filed in order to threat him and to bring him on table. Family of petitioner met the family of prosecutrix and tried to convince them. Father of prosecutrix namely Ranbir Singh started raising demand for money to withdraw said complaint. Petitioner requested for a week's time and said Ranbir Singh agreed to withdraw the complaint by stating that in case payment was not made within a week he will again pursue said complaint. In initial complaint dated 08.05.2019 (Annexure P-1), there were no allegations of rape. Said complaint was withdrawn on the statement of prosecutrix on 09.05.2019 (Annexure P-2). He and his father could not arrange for money. Thereafter, father of prosecutrix again moved another application dated 17.05.2019 (Annexure P-3). Father of petitioner again arranged a meeting and his father gave Rs. 1 lac to father of prosecutrix. Prosecutrix again filed application to SHO, Women Police Station, Rohtak (Annexure P-4) that she did not want to take any action but her complaint be kept pending. Subsequently, on 19.05.2019, she again submitted another application to SHO, Women Police Station, Rohtak (Annexure P-5) that she has entered into a compromise and complaint be quashed. Petitioner has also relied upon one photograph (Annexure P-6) where allegedly father of prosecutrix had received money. Prosecutrix as well as her father kept silent. He joined job in Merchant Navy on 18.06.2019. As soon as father of prosecutrix came to know about his job, he again contacted his father and raised demand of Rs. 20 lacs from him. Said demand was not satisfied, on



this father of petitioner again approached police. Father of petitioner filed complaint to DSP and SP (Annexures P-8 and P-11 respectively). Without considering the actual facts, impugned FIR No. 117 dated 18.11.2019 (supra) (Annexure P-9) was registered. Learned counsel for petitioner also referred to extract of chat between the petitioner and prosecutrix on 18.07.2019 (Annexure P-10). It is pointed out that aforesaid facts clearly indicate that petitioner and his family is being blackmailed with false allegations to extract money from him. Petitioner has not committed any offence. Continuation of proceedings in aforesaid FIR is misuse of criminal procedure. Therefore, said FIR No. 117 dated 18.11.2019 (supra) (Annexure P-9) and all subsequent proceedings arising thereon may kindly be quashed.

4. Notice was served upon prosecutrix/respondent No. 2, but she did not come forward to contest present case. Petition is opposed by learned counsel representing State of Haryana, alleging that FIR was lodged on the basis of fair inquiry. During investigation, statement of prosecutrix/respondent No. 2 was recorded. She also produced her Scheduled Caste Certificate. Present petitioner was also joined in investigation and his medical examination was conducted. After completion of entire investigation, challan was presented on 23.03.2022. Case is pending for framing of chargesheet. There are serious allegations against petitioner that he physically exploited prosecutrix/respondent No. 2 and repeatedly raped her on the false pretext of marriage. Regarding facts narrated about Balwan, Junior Engineer in para No. 2(i) of petition, same are denied. No such complaint was received in police station that



prosecutrix/respondent No. 2 extracted money from him. False and concocted story has been created by petitioner. It is pointed out that there are no exceptional circumstances to justify petition filed by petitioner seeking quashing of aforesaid FIR. It is submitted that petition filed by petitioner deserves dismissal.

5. I have considered the facts of case and arguments advanced by learned counsel for petitioner and learned counsel representing State of Haryana. Present FIR has been registered on the statement of prosecutrix who claimed that she came in contract with petitioner in June 2015 and thereafter, time and again petitioner developed physical relations with her against her wishes on the false promise to marry her. After May 2019, petitioner started ignoring her and even blocked her number, as a result she filed a complaint against petitioner. I have considered the documents annexed with petition and have carefully gone through its contents. Initially, prosecutrix/respondent No. 2 filed a complaint to SHO, Women Police Station, Rohtak dated 08.05.2019 (Annexure P-1), where she narrated the incident of 08.08.2015 when she was taken to Kamal Garden Restaurant by Natish and assured to marry her. He kept on lingering on the matter for about 4 years and finally refused to marry her. In said application, she stated that she wanted to talk to petitioner. There is statement of prosecutrix/respondent No. 2 dated 09.05.2019 (Annexure P-2), where again it has come in her statement that they had a talk with each other and will abide by decisions taken by family. On this, she decided to close said complaint. Again on 17.05.2019, she filed another application to SHO, Women Police Station, Rohtak (Annexure P-3), where she again



alleged that petitioner had assured to send his parents to her house but they did not respond back and she again wanted to pursue her complaint. There is another application filed by prosecutrix/respondent No. 2 dated Nil (Annexure P-4), where she again submitted that she wanted to marry Natish and her complaint be kept pending. On 19.05.2019, she again filed another application addressed to SHO, Women Police Station, Rohtak (Annexure P-5) that she has entered into a compromise, therefore, her complaint be quashed. After this whole process, father of petitioner filed complaint dated 18.11.2019 (Annexure P-8) and another complaint (Annexure P-11) that they are being harassed by prosecutrix/respondent No. 2 and her father. Aforesaid complaints filed by prosecutrix/respondent No. 2 clearly indicates that time and again she was insisting petitioner for marriage and matter was being postponed on one pretext or the other and finally present FIR was registered.

Considering the aforesaid facts, it is evident that as per the version of prosecutrix/respondent No. 2, she remained in contact with petitioner from June 2015 till May 2019 when dispute started between them. In present petition, petitioner has not denied the fact that he was not in touch with prosecutrix/respondent No. 2. He also confirms that there was a proposal for marriage, but he rejected the same on account of previous alleged conduct of prosecutrix/respondent No. 2. Defence raised by petitioner in this case is matter of trial. During the pendency of present petition, same cannot be accepted as it is. FIR (Annexure P-9) was registered after proper inquiry. Subsequent applications filed by father of petitioner cannot be looked into at this stage. Challan is already presented.



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Allegations and counter allegations levelled by prosecutrix/respondent No.2 as well as present petitioner is matter of trial. Therefore, I do not find any exceptional circumstances in present case to justify the quashing of FIR No. 0117 dated 18.11.2019 (supra) (Annexure P-9). Resultantly, present petition filed by petitioner Natish Kumar is, accordingly dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

14.05.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No