



CRM-M-24585-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24585-2024

Date of Decision:- 22.01.2025

Kartar Chand

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Kartar Chand has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 16.07.2023 registered under Section 354/427/323/506/34 of IPC at Police Station Division 1, District Pathankot (Annexure P-1) along with challan (Annexure P-2), framing of chargesheet vide order dated 09.10.2023 (Annexure P-5) and all consequential proceedings arising therefrom being misuse and abuse of process of law.

2. Facts of the case are prosecutrix gave her statement that her marriage took place with Romy Kumar on 14.08.2022. After marriage, she came to know that her husband was physically unfit and their marriage was not consummated. Family members of her husband were aware of this fact but even they performed marriage and spoiled her life. She was Postgraduate. After some time, her father-in-law Kartar Chand started keeping bad eye on her. He even offered her some money which she returned to her husband Romy Kumar. Prosecutrix has given detail of



incidents when her father-in-law Kartar Chand misbehaved with her and outraged her modesty. Her husband Romy Kumar was fully aware of behaviour of his father. Even her mother-in-law Kamla Devi and sisters-in-law knew about it. They wanted a child for family. She has narrated incident of 13.02.2023 when her father-in-law Kartar Chand, husband Romy Kumar, mother-in-law Kamla Devi came upstairs to teach her a lesson. She was beaten up and was medically examined. There was no change in his attitude. She has narrated another incident of 16.07.2023 when her father-in-law Kartar Chand again tried to do wrongful act with her and at that time her husband was present at home. Ultimately, she filed present complaint.

3. Learned counsel representing petitioner took the stand that no such incidents ever took place. In-fact, on 16.07.2023, present petitioner had gone for *Satsang* and there is a video footage in this regard. Facts narrated by prosecutrix are highly improbable. It cannot be accepted that in presence of husband, father-in-law will do such an act. Learned counsel representing petitioner raised issue that investigation was carried out by ASI Nirmaljit Singh and prosecutrix had wrongful relation with him. He visited their house during odd hours. This fact was brought to the notice of other police official ASI Dalbir Singh but no action was taken. In-fact, petitioner has been wrongly challaned in FIR on the basis of false baseless allegations. Copy of challan report is Annexure P-2. Even Romy Kumar has filed complaint against his wife and others including ASI Nirmaljit Singh, which is Annexure P-4 and copy of *zimni* order dated 09.10.2023 is Annexure P-5. Allegations against petitioner detailed in FIR, subsequent



presentation of challan (Annexure P-2) and framing of chargesheet against petitioner is gross, misuse of process of law and same may kindly be quashed.

4. Learned counsel representing State filed status report, whereas, respondent No. 2-prosecutrix was also served but she did not appear.

As per status report, matter was investigated and thereafter, challan was presented against present petitioner who is facing trial before learned trial Court. Stand taken by petitioner is without any basis. Since the trial is going on, therefore, prayer of present petitioner regarding quashing of FIR, challan report or chargesheet is without merits.

5. I have considered the arguments and have gone through the record carefully. FIR has been lodged on the statement of prosecutrix-respondent No. 2. Matter was investigated which resulted into presentation of challan and even chargesheet has been framed against petitioner Kartar Chand who is father-in-law of prosecutrix. Contents of FIR indicate serious allegations against petitioner who is specifically named and specific incidents have been narrated by prosecutrix. Contents of chargesheet can be proved from evidence led by prosecution which will be appreciated by learned trial Court at appropriate stage. So far as stand taken by petitioner that he had gone to attend *Satsang* on 16.07.2023 is concerned, that is matter of defence and petitioner will get full opportunity to present his own case. Petitioner has also levelled allegations against prosecutrix as well as other persons including ASI Nirmaljit Singh. Copy of complaint is Annexure P-4. Said complaint will be decided on its own merits.



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In the light of aforesaid factual position, at this stage, I do not find any justification in petition filed by petitioner seeking quashing of FIR No. 69 dated 16.07.2023 (supra) (Annexure P-1) along with challan (Annexure P-2) and framing of chargesheet vide order dated 09.10.2023 (Annexure P-5) and same is accordingly, dismissed.

6. Aforesaid observations are made only for disposal of present petition and it will have no bearing on the merits of trial.

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

22.01.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No