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

**CRM-M-26399-2025
Date of Decision: 15.05.2025**

Geeta Devi and another

.... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Krishan Sehajpal, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.0117 dated 25.09.2022 (Annexure P-1), under Sections 323, 34, 406, 498-A IPC, registered at Police Station Women, District Faridabad along with all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioners submitted that petitioner No.1 is the mother-in-law of the age of 59 years and petitioner No.2 is the husband of the age of 39 years whereas respondent No.2 is the wife of petitioner No.2. He further submitted that the present petition has been filed for quashing of the FIR and investigation of the case has been completed. While referring to the contents of the FIR (Annexure P-1), he submitted that respondent No.2 had filed a complaint on the basis of which the present FIR was registered. He further submitted that the marriage between the parties was solemnized on 28.02.2019 and respondent No.2/wife is residing at Faridabad and the petitioners are residing in Mumbai and a matrimonial discord took place between the petitioner No.2 and respondent No.2. He also



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submitted that the allegations in the present FIR are vague and the petitioners have been falsely implicated in the present case by the complainant, who concocted a false story that the offences under Sections 406, 498-A, 323 & 34 IPC were made out. He submitted that considering the aforesaid facts and circumstances, the present FIR may be quashed.

3. I have heard the learned counsel for the petitioner.
4. The FIR which is impugned in the present case (Annexure P-1) is reproduced as under:-

“To, The SHO, Police Station Women, Faridabad Police. Subject: Complaint against Manish Gupta (husband), Geeta Devi (mother-in-law), Sanju Gupta (sister-in-law), Anju Gupta (sister-in-law), Renu Gupta (sister-in-law), resident of Room No.29, GTB Nagar, Indira Nagar, Sion, Koliwada, Garage Line, Mumbai for beating on the pretext of dowry and attempt to kill and for taking legal action, 9870806434, Manish Gupta 9324753383, 97629069626 mother-in-law. Sir, It is submitted that I, Bhawna Jaiswal wife of Manish Gupta daughter of Sh. Uma Shankar, am resident of House No.33, Street No.7C, Block Roshan Nagar, Agwanpur, Faridabad. My marriage was performed with Manish Gupta as per Hindu rites and ceremonies on 28.02.2019. My in-laws live in Mumbai, so before the wedding they said that the wedding would have to be done in Mumbai because all their relatives live there. Due to their demand, my parents made all the arrangements for the weddings in Mumbai only. My parents spent about Rs.12-13 Lacs on the marriage, out of which Rs.4 Lacs was transferred from my sister Laxmi's bank account to my husband's account before the marriage and about Rs.1 Lac in cash was given to my husband on different



marriage occasions. All the articles are given in the marriage, I am enclosing the list of the same. My family gave me the jewellery which includes 5 nose rings, rose ring, one pair of earrings, silver anklets and nettles, one gold needle and one ring. Apart from this, my in-laws gave me 2 gold necklace set, one nose ring, one Maang Tika, 4 gold bangles, earrings, one small Mangalsutra, 3-4 gold rings and 8 pairs of earrings (which I had received at the time of Muh-Dikhai), one engagement ring, one silver waist girdle, heavy anklet 3 pairs. Just after a week of marriage, my in-laws started taunting and beating me for bringing less dowry. My parents had given one gold chain, two gold rings, one wrist watch to my husband. My husband said after breaking the gold chain in the scuffle that it was not expected from you beggars and rather allegations were levelled upon me that I have lost his chain and gave beatings to me. After the marriage, my in-laws family had taken me to their ancestral village Nasratpur District Ajamgarh for doing worship (Puja). When we reached there then my mother-in-law took off all the jewellery given to me by her and my family members and said that the atmosphere in the village is not good and it gets stolen and she keeps it with her. I have performed all the Puja rituals without any jewellery. There also, my sisters-in-law Manju Gupta, Anju Gupta and Renu Gupta told me that our brother's luck has run out. There were proposals for cars coming for our brother but you did not bring anything. On this, I replied that my family members have already given Rs.4 Lac. Add some money and buy the car. My mother-in-law and husband were also there. After saying this, my husband got up and slapped me on the face. My three sisters-in-law also gave beatings to me. When I asked my mother-in-law to save me then she instead of saving me,



she incited my husband and sisters-in-law and got me beaten up. On hearing my cries, my father-in-law came in the house then on seeing me beaten up, he stopped my husband and sisters-in-law and saved me from them. My mother-in-law and husband was not allowing me to talk with my parents and I was not allowed to keep a mobile phone for about one and half years after marriage. Even when my parents used to call on my mother-in-law's phone, my mother-in-law would not let me talk to them. I used to do all the household work, yet my mother-in-law would always abuse me and tell me lies in front of relatives and neighbours. Even when my neighbours used to tell my mother-in-law that do not say like this, she is also your daughter-in-law, she used to say that until she brings the car. I will not accept her as my daughter-in-law and until then I will do the same to her. Whenever I told my sister-in-law to explain to her brother and mother, she would always say that if your family had given you a car, this would not have happened to you and now you will have to bear all this. My husband is a quarrelsome person who would always fight and beat me on the pretext of small things and would say that this will happen to you until your family does not give a car. Somehow I kept tolerating all this thinking that maybe everything will be fine. After 3 months of marriage, when I got pregnant, I had to come to my parental house for some rituals so when I was coming to my parental house for the first time, I asked my mother-in-law and husband for my jewellery by saying that I am going to my parental house for the first time after marriage so give me my jewellery, upon which my mother-in-law replied that you do not have the status to wear this jewellery and at that time, they also took off my small Mangalsutra that I was wearing by saying that your sisters are greedy, they will



sell off our jewellery. My husband said that next time you come either bring the car or bring the money for the car or do not come back. Thereafter, I came to Faridabad. Upon this, I reside with my sisters for about 1 years. Neither my husband came to pick me nor he called me for asking my well being nor he has sent any maintenance for me. On 17.01.2020, one daughter Aarvi Gupta was born during my delivery at Safadarjang Hospital, Delhi. After the birth of daughter, I called my father-in-law then he replied that he will make my husband understand and send him to pick me up. On July, 2020, my husband called that he is coming to pick me up but he will not come to the house because my parents have not given car to him and also said that if you want to come then come to Airport. Upon this, my parents arranged the taxi and dropped me to the Airport. At the airport also, my husband repeated his demand of car in the presence of my parents and talked abusively with my sister and mother. I Thereafter, again became pregnant in September, 2020 and on the same day, I and my father-in-law was suffering from Corona. My husband got my mother-in-law admitted in the hospital but he did not take me anywhere. My condition became worse in Corona and when I asked my mother-in-law and husband for the medicine then they did not provide proper treatment to me. On 30.01.2021, when I woke up suddenly in the night then I heard some silent noise and when I heard carefully then my mother-in-law was telling my husband that we can rid off from her in this Corona time, give her something on the name of medicine, if she died then the blame will not come on us on such a time. On hearing their such conversation, I felt scared and slept silently in my room. On 31.01.2021, my husband told me that he brought some medicine for me and he gave me some



material like powder in a packet and said that take it while sleeping, we will become alright. I being scared threw the packet and did not consume. On the next day, when I woke up then saw that my husband was steering me and said before I said something that why you did not consume the medicine then I replied that my health is fine now then he again beaten me. I told this thing by calling my relatives then they took me with them and on 03.02.2021, I lodged a complaint against him but still, they did not mend their ways. On 27.04.2021, one son namely Tanishk was born to me in Sion Hospital. During my second pregnancy, my husband did not pay any heed to me and he was always beating me. Once he kicked on my stomach due to which my child in the womb had sustained injury on his head due to which the mental growth of my child is still not normal and his treatment is going on. In October, 2021, my father-in-law was expired but due to lockdown, my parents did not come on cremation. Due to this reason, my husband has beaten me by saying that they did not come on the demise of my father, now I will see that they will come to see you or not. Then Manish had given severe beatings on my hand, cheek and back and I had sent the photographs of which to my parents. When I told about this to my parents then people from my parents' side went to Mumbai and thereafter, my parents have told about my husband and mother-in-law to respectable persons of society then they make my mother-in-law and husband understand then my husband apologized publicly and assured for not demanding car in the dowry again and has taken me again to the house. On 02.06.22 in the morning, I woke up in the morning then I was felling fever. Upon which, when I told my husband after waking him up that I am suffering from fever then my husband woke up and



slapped me and said that this is your drama and woke up from there and went asleep in the room downstairs. While coming down, I told this to my mother-in-law then she replied that if you want to stay here, then reside properly. I told my mother-in-law that I will prepare the meal and she will look after the child for sometime because the children were also not well then she replied that she will not look after the children. My health was also not good then I was looking after my children. In the meantime, my husband and mother-in-law came in my room and while arrival, my husband kicked me and fell me down. My mother-in-law firstly locked the door of room then grabbed my feet and my husband sat on my chest and started strangulating my neck. My mother-in-law was saying that finish her chapter today. For saving myself, I raised alarm then my husband screwed me due to which my breathing was stopped. Somehow I make efforts and got myself freed from their clutches and tried to open the door. As soon as I opened the door, my husband grabbed my hairs and pulled towards him so that I cannot go outside. As I tried to save my life, I still came out and got my hairs uprooted and remained in the hands of my husband. My husband and mother-in-law tried to kill me. I somehow get down and ran outside the house for saving my life then my husband followed me then 2 police officials seen coming from opposite side. Then I stopped them by signaling with my hand then both the police officials took me and my husband to ANTOP HILL police post and sent me to Sion hospital from there because I had sustained severe injuries. My husband and mother-in-law had tried to kill me by conspiring with each other. I somehow informed my parents then they arranged the ticket for my arrival and on 08.06.2022, I reached to Faridabad from Mumbai. My husband



fractured my hand and strangulate my neck and my mother-in-law twisted my legs and supported my husband. My husband and my mother-in-law are greedy persons who have no fear of law who tried to kill me on the pretext of dowry. My father is a heart patient who is now unable to do any work. We are 6 sisters, I am on second number, there are 4 sisters younger than me and one brother who is younger than me. We are poor persons and somehow managing ourselves. This fact is known to my in-laws family i.e. my husband and mother-in-law despite that they have committed atrocities upon me in the greed of dowry. My husband and mother-in-law are abusing me. It is submitted before your goodself that strict legal action be taken against these greedy dowry seekers. It shall be highly thankful to you. Applicant Bhawna Jaiswal wife of Manish Gupta daughter of Sh. Uma Shanker, resident of H.No.33, Street No.7, C-Block Roshan Nagar, Agwanpur, Faridabad, Mobile No.8291423082, 8743032377.”

5. It was the argument of the learned counsel for the petitioners that the allegations against the petitioners were not only vague but also the wrong and concocted because the real story was that respondent No.2/wife, who is residing in Faridabad does not want to go to Mumbai which resulted in a matrimonial discord and because of this reason a story was concocted by her which led into lodging of the present FIR.

6. However, a perusal of the FIR which is an elaborated FIR would show that the argument which has been raised by learned counsel for the petitioners, that the allegations were vague, is not true. The detailed and specific allegations have been levelled against the petitioners in the present FIR. It is a settled law that whenever a petition is filed for quashing of an



FIR or any criminal proceedings or a criminal complaint, then the parameters which have been set by Hon'ble Supreme Court in "*State of Haryana and others Vs. Ch. Bhajan Lal and others*", 1991(1) RCR (Criminal) 383 have to be met with. The relevant portion of the aforesaid judgment is reproduced as under:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.



(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice".

7. A perusal of the FIR would show that none of the parameters contained in the aforesaid judgment are fulfilled in view of the fact that specific allegations have been levelled against both the petitioners.

Therefore, this Court is of the considered view that an extra ordinary power under Section 528 of BNSS, 2023 cannot be invoked for quashing of the present FIR.

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

15.05.2025

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No