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

CRM-M-53863-2022

Date of Decision:- 31.01.2025

MOHIT SHARMA

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Kumar Gupta, Advocate with Mr. Rahul Gupta,
Advocate for petitioner.
Ms. Aditi Girdhar, AAG, Haryana.
None for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner Mohit Sharma has filed petition under Section 482 Cr.P.C. for quashing of FIR No.373 dated 23.05.2022 (Annexure P-7) under Sections 354 and 506 of IPC registered at Police Station Sector-58, Faridabad and all consequential proceedings *inter alia* on the ground that case is malafide or any other direction which the Court may deem fit in the facts and circumstances of the present case.

2. As per the facts of the case, aforesaid FIR has been registered on the statement of prosecutrix alleging that she was working as Guard in Victora company. On 12.05.2022 she was going to her house in the evening when Mohit Sharma stopped his car on the way and told her that he will drop her to the house but she refused. He again insisted that he wanted to talk to her about something and he would leave her. She sat in the car. On the way, Mohit Sharma bought two glasses of *faluda* which they ate. He touch her thigh but she refused not to behave in this manner. He pleaded before her

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and then took her to Jhilmil Hotel in Sikri. She was taken in a room and door was closed. Mohit pushed her on bed and started opening the buttons of her shirt. He outraged her modesty and tried to do wrongful act with her. She threatened him that she will file complaint to police. On this, Mohit threatened to kill her. Said Mohit was already working in Victora company. Thereafter, he dropped her in his car. Later-on, she was fired from company by Chauhan Sir. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that all allegations levelled against petitioner are without any basis. At the instance of respondent No.2 earlier a false FIR No.541 dated 04.08.2017 under Sections 120-B, 323, 376D and 506 of IPC, Police Station Sector-55, Faridabad, District Faridabad (Annexure P-1) was registered in which cancellation report was presented which is Annexure P-2. Respondent No.2 and her family members are in a habit of filing false complaints. Regarding their conduct, a complaint was given by villagers. Said complaint dated 15.12.2016 is Annexure P-3. Main motive for filing of these false complaints is only to extract money. Respondent No.2 demanded Rs.20,000/- and the matter was compromised. Compromise letter is Annexure P-4. Later-on she made additional demand of Rs.10,000/-. Transcript between Sheetal and Manoj raising demand in this regard is Annexure P-5. When respondent No.2 could not extract more money she got recorded her supplementary statement (Annexure P-6). As per challan report (Annexure P-8), offence under Section 376, 511 and 120-B of IPC were deleted. All the facts narrated in the FIR are false. Therefore, continuation of criminal proceedings in the

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aforesaid FIR is misuse of the process of law. Petition filed by petitioner may be accepted and the aforesaid FIR may be quashed.

4. Earlier Mr. Gaurav Singla, Advocate was appearing on behalf of respondent No.2. However, for the last two dates, nobody appeared for respondent No.2.

5. Learned counsel representing State filed status report dated 04.01.2023 confirming the facts stated in the FIR. It is confirmed that during investigation record of hotel room Jhilmil, Sikri and CCTV footage was checked and it was found that no room was booked in the name of Mohit Sharma and victim. Ultimately, offences under Sections 376, 511 and 120-B IPC were deleted. It is confirmed that petitioner was arrested on 27.07.2022. Investigation was completed and the challan under Section 173 Cr.P.C. was submitted before Illaqa Magistrate on 18.08.2022. Case is pending before trial Court for appearance of the accused/petitioner. It is confirmed that no other criminal case is pending against present petitioner. However, quashing of aforesaid FIR on merits is strongly opposed by learned counsel representing State.

6. I have considered the arguments and have gone through the record. As referred above, FIR No.373 dated 23.05.2022 (supra) (Annexure P-1) was registered on the statement of respondent No.2 victim as she has levelled allegations against present petitioner by name. On the other hand, present petitioner has raised the issue that earlier at the instance of respondent No.2/victim another FIR No.541 dated 04.08.2017 (Annexure P-1) was registered in which cancellation report was filed. It is further pointed out that false allegations are levelled against petitioner only to extract money.



To support this, he is relying upon one complaint dated 15.12.2016 filed by villagers of Sikri Baniya Mohalla, Ballabgarh (Annexure P-3) and one compromise dated 16.05.2022 (Annexure P-4). He is also relying upon the extract of talk between Sheetal and Manoj raising demand for more money. Said transcript is Annexure P-5. Aforesaid arguments raised by learned counsel for petitioner are in-fact the defence raised by him. Veracity of compromise dated 16.05.2022 (Annexure P-4) and transcript of talk (Annexure P-5) can be seen at the time of trial. So far as previous conduct of respondent No.2 is concerned i.e. again matter of trial. At this stage, contents of FIR lodged on the statement of respondent No.2 cannot be brushed aside. Petitioner will raise his defence at appropriate stage. Trial court will appreciate the evidence on record for proper adjudication of the case. Therefore, I do not find a fit case for quashing of FIR No.373 dated 23.05.2022 under Sections 354 and 506 of IPC (Annexure P-7). Resultantly, petition filed by petitioner is declined.

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

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

(AMARJOT BHATTI)
JUDGE

31.01.2025
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No