
(2011) 10 P&H CK 0098

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M- 31457 of 2011 (O and M)

Arun Arora

APPELLANT

Vs

State of Haryana and
Another

RESPONDENT

Date of Decision: Oct. 17, 2011

Acts Referred:

- Hindu Marriage Act, 1955 - Section 13B, 3, 34, 4

Citation: (2011) 10 P&H CK 0098

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ranjit Singh, J

1. The Petitioner prays for quashing of FIR registered against him u/s 498A, 323, 504, 506, 34 Indian Penal Code and Section 3 & 4 of Dowry Prohibition Act. As per the Petitioner, there are no specific allegations made against him and he alongwith his wife is staying in a separate accommodation at New Delhi, far away from the matrimonial home of Respondent No. 2-complainant. It is stated that Respondent No. 2 had earlier filed a similar complaint on 7.2.2011, which is termed as false for registration of a case against the entire family. The Petitioner alongwith others was summoned in the said complaint, whereafter Respondent No. 2 had made a statement that she had collected all her items from her in-laws aboard. Thereafter the matter was compromised on 25.2.2011. The complainant made a statement before the police, copy of which is annexed with the petition as Annexure P-5.

2. As per the averments made in the petition, the parties had agreed to file a divorce petition. Son of the Petitioner had prepared a joint petition to be filed u/s 13-B of the Hindu Marriage Act. The same was got attested. As stated in the petition, the parties had

undertaken not to file any claim or petition against each other in future. As averred in divorce petition, the parties had amicably settled all their claims.

3. The complainant is alleged to have undergone a change of mind, which according to the Petitioner to extract some more money from his family. She accordingly did not turn up to make a statement before the Court, where the divorce petition was filed.

Complainant-respondent No. 2 Petitioner again went back and made a statement to the police on 4.3.2011. The Petitioner accordingly would contend that the agreement/compromise was malafidely made only to receive monetary benefits and having received the same, Respondent No. 2 went back from the promise with an aim to extract some more money. Respondent No. 2 had subsequently again filed a complaint on 31.5.2011 on the basis of which impugned FIR, Annexure P-1, was registered. The Petitioner accordingly has filed this petition to urge that two complaints can not be filed for the same occurrence, when once the earlier complaint was compromised and the entire dispute was settled.

4. I have perused the FIR as well as earlier complaint filed by Respondent No. 2. It appears that the earlier complaint (Annexure P-2) was filed for taking action against the husband, as the wife was feeling insecure and was under a threat to her life. No doubt, the bone of contention was the flat, which was on the name of the complainant and appears to have been given to her by her father but the nature of allegations now made, on the basis of which the FIR has been registered, are not identical. In the present case, Respondent No. 2 has made allegation about money spent on her marriage, jewellery, clothes and the gifts given to her in-laws. She has also accused the family members for torturing her and for raising demand of Honda City Car. Respondent No. 2 has also alleged that her husband used to beat her and her sister-in-law tried to kill her by strangulation. As per the FIR, the husband has now shown himself to be no longer married on the face book. In this background, to urge that FIR could not be registered, would sound far-fetched. Once Respondent No. 2-complainant has filed a complaint, the police was bound to register the FIR, if it revealed any cognizable offence. Even if it is an improved version, which is now given by the complainant, the same plea would have to be raised during the course of investigation and the trial and would not be a valid ground to quash the FIR.

5. The plea raised by counsel for the Petitioner on the basis of law laid down in T.T. Antony v. State of Kerala 2001 (3) RCR (Criminal) 436, in my view would be of no avail to him as it is not attracted to the facts of the present case. In T.T. Antony's case (supra), the Supreme Court has observed that more than one information given to the police in respect of the same incident, the police officer need not enter everyone of them. The earlier complaint filed by Respondent No. 2 did not culminate into FIR and so it can not be urged that it is a case where two FIRs have been recorded.

6. I find no merit in the petition and, therefore, would dismiss the same.