
(2024) 05 RAJ CK 0145

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 7136 Of 2023

Pradeep Dharnia

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 22-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A

Citation : (2024) 05 RAJ CK 0145

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Ashish Gehlot, Laxman Solanki, S.R. Godara

Final Decision : Dismissed

Judgement

Kuldeep Mathur, J

By way of filing the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has prayed for the following relief:

"It is, therefore, humbly and respectfully prayed that this Criminal Misc. Petition of the petitioner may kindly be allowed and the abovementioned FIR No.112/2023 registered at Police Station Muklawa, District Anoopgarh for offence under section 498-A and 406 of IPC may kindly be quashed and set aside qua the petitioner."

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Learned counsel submitted that the impugned FIR has been lodged by the respondent No.2 on false and vague allegations. The petitioner and his family members have neither misbehaved with respondent No.2 nor have demanded dowry from her.

Learned counsel lastly, submitted that a bare perusal of the FIR would indicate that on the basis of the allegations levelled in the FIR/complaint, no offence can

be made out against the present petitioner and, therefore, the FIR deserves to be quashed and set aside.

This Court vide order dated 15.01.2024 directed the petitioner to appear before the Investigating Officer on 24.01.2024 and handover dowry articles and other articles (if any) belonging to the complainant-respondent No.2. Learned Public Prosecutor has submitted that the petitioner has neither joined the investigation nor handed over any of the dowry articles in compliance of the order dated 15.01.2024. Learned Public Prosecutor further submitted that the allegations levelled against the petitioner in the impugned FIR are very serious in nature, therefore, the same should not be quashed in view of the judgment of Hon'ble The Supreme Court of India in the case of State of Haryana and Ors. Vs. Bhajalal and Ors. reported in AIR 1992 SC 604.

Heard learned counsel for the parties at Bar. Perused the material available on record.

In the opinion of this Court, an FIR ordinarily, will not be quashed unless it is prima facie absurd, malafide or from a perusal thereof no cognizable offence is made out against the accused persons. In the present case, a perusal of the FIR not only discloses the commission of a cognizable offence against the petitioner so also as per the police report submitted by the Investigating Agency before this Court in compliance of the order dated 15.01.2024, the petitioner is not co-operating with the Investigating Agency. There is nothing on record to indicate that the criminal proceedings have been instituted against the petitioner with an ulterior motive of wreaking vengeance and with a view to spite him in furtherance of private or personal grudge.

In view of aforesaid discussion, the present criminal misc. petition is dismissed being devoid of any merit.

All pending applications, if any, are also disposed of accordingly.