# HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 701/2019

- Kawal Nain Kaur W/o Kawal Nain Chadha B/c Punjabi, Aged About 53 Years, R/o A-303, Sai Complex, Off Link Road, Kandarpada, Dahisar (W), Mumbai (Maha.) 400068.
- Kawal Nain Chadha S/o Avtar Singh Chadha B/c Punjabi, Aged About 58 Years, R/o A-303, Sai Complex, Off Link Road, Kandarpada, Dahisar (W), Mumbai (Maha.) 400068.

----Petitioners

#### Versus

- 1. State Of Rajasthan, Through Pp.
- Satinder Kaur @ Soni D/o Surendra Singh Wadhawan, W/o Harkripal Singh Chadha B/c Punjabi, Aged About 29 Years, R/o S-2, A-19, Near Green Avenue, Ganesh Nagar, Khatipura, Jaipur.

----Respondents

For Petitioner(s) : Mr. Avanish Kr. Sharma, Mr. Rahul

Khandelwal.

For Complainant(s) : Mr. A.K. Sharma, Sr. Adv. with Mr.

V.K. Sharma.

For State : Mr. Ganesh Saini, PP.

## **HON'BLE MR. JUSTICE PANKAJ BHANDARI**

## <u>Order</u>

### 31/07/2019

- 1. The matter comes up on application filed by the complainant.
- 2. With the consent of parties, the matter is finally heard at this stage.
- 3. Petitioners have preferred this misc. petition seeking quashing of FIR No.44/2019, registered at Police Station Mahila Thana, (Jaipur West).

- 4. It is contended by counsel for the petitioners that petitioners are residing at Mumbai, Maharashtra. Petitioner's son is married to complainant. The marriage took place in October, 2013. Complainant was residing at Hyderabad with petitioner's son and the allegation in the FIR with regard to demand of dowry are cooked up by the complainant to extract money from the petitioners. Complainant left the house on her own free will. It is contended that petitioner's son is a pilot, who has filed a divorce petition, which has been dismissed on account of lack of jurisdiction as the same was filed in Mumbai, whereas petitioner's son was residing at Hyderabad.
- 5. Counsel for the complainant has opposed the misc. petition. It is contended that FIR discloses commission of a cognizable offence. Court cannot see the defence of the petitioners at this juncture. Complainant was thrown out of the house by the petitioners as she could not fulfill the demand raised by the petitioners and her husband. It is also contended that complainant was continuously harassed with regard to dowry articles given by father of the complainant.
- 6. I have considered the contentions.
- 7. Apex Court in "Dineshbhai Chandubhai Patel vs. State of Gujarat & Ors. 2018 (3) SCC Page 106." has held that the High Court at this stage could not appreciate the evidence nor could draw its own inferences and such job is vested with the Investigating Authority. The Apex Court further observed that if the FIR disclose prima facie commission of any cognizable offence, High Court should stay its hand and allow the investigating machinery to step in to initiate the probe to unearth the crime in accordance with the procedure prescribed in the Code.

8. From bare perusal of the FIR, it is clear that the FIR discloses commission of a cognizable offence. At this juncture, this Court is not inclined to consider the defence of petitioners. Hence, no ground is made out for invoking the inherent powers, misc. petition seeking quashing of FIR is dismissed. Stay application and pending application stands disposed.

(PANKAJ BHANDARI),J