

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CRM-M-43920-2025

Date of Decision:28.08.2025

ASAD RIYAZ

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ujwal Anand, Advocate for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 0023 dated 02.02.2025 under Sections 323, 406, 498-A and 506 IPC registered at Police Station, Farakpur, Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner submits that there is not even an offense under Section 498-A IPC much less any witness to support the allegations of demand of dowry or any medical evidence to demonstrate that the complainant was beaten. Learned counsel further submits that the FIR was lodged against the petitioner and his two married sisters but in the investigation conducted by the police officials, the sisters of the petitioner were found to be innocent as nothing was found against them. However, while filing the challan, the authorities reveals "*nothing incriminating has come on record against the Petitioner in the final report that fulfils the ingredients of offences mentioned in the present FIR. The Police authorities have just reiterated the version of the FIR. There is no material on record*

or any evidence found against the Petitioner that reveals that he has done any act of cruelty which attracts the provision under Section 498-A IPC or any medical record to show/attract provisions under Section 323, 506 IPC or even has made any unlawful demand of dowry which is in his possession as to attract the provision of Section 406 IPC.”

3. Learned counsel further submits that petitioner got married to the complainant on 26.10.2017, and thereafter, the present FIR had been lodged on a complaint dated 13.08.2024. Learned counsel further submits that the complaint was made infact only to gain monetary benefits, false allegations have been levelled against the petitioner and his sister by respondent No.2. Learned counsel further contends that respondent No.2 is an irresponsible wife and has left the company of her husband herself after the demise of petitioner's parents and never returned back. Learned counsel further submits that the said statement dated 02.02.2025 has not been signed by the petitioner.

4. Heard learned counsel for the petitioner at length.

5. Perused Anenxure P-5, dated 02.02.2025, i.e., statement of the petitioner, in which he is admitting to all his deeds and how he demanded dowry from his wife. However, the same would be a matter of trial and disputed question of facts cannot be taken at this stage. There are serious allegations against the petitioner in the FIR with regard to commission of atrocities, demanding dowry and having a weapon. There are also the allegations that the petitioner is having illicit relationships with other women, which is one of the trigger point between the parties. The

complainant had been repeatedly making oral complaints, however, the matter always stands compromised between the parties, subsequently, when the things between the parties got accelerated, the same led to lodging of the present FIR.

6. Moreover, the settled principles of law as discussed by Hon'ble Supreme Court of India in ***Criminal Appeal Nos. 1025-1026 of 2023 @ SLP (Crl.) Nos. 12794-12795 of 2022***, titled as ***Central Bureau of Investigation Vs. Aryan Singh and others***, is to be read as under:

4.1 From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned Trial Court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution / investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution / investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not"

7. In light of the above discussion, the present matter involves a disputed question of facts which requires both the parties to led their



respective evidences before the learned trial Court. Hence this Court does not find it to be a fit case to exercise its power to quash under Section 428 Cr.P.C (528 BNSS).

8. Accordingly the present petition stands **dismissed**.

(ALOK JAIN)
JUDGE

28.08.2025

kv

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*