



## **Parteek Bansal v. State of Rajasthan**

April 19, 2024

Supreme Court of India

### **J U D G M E N T**

2. This appeal assails the correctness of the judgement and order dated 06.03.2017 passed by the Rajasthan High Court in S.B. Criminal Misc. (Pet.) No. 3259 of 2015 dismissing the said petition filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR No. 156 of 2015, Women Police Station, Udaipur under Sections 498A, 406, 384, 420 and 120(B) of Indian Penal Code, 1860.

3. At the outset, it would be relevant to mention that the sole ground on which the quashing was sought was that this was a second FIR on the same set of allegations made by the complainant after two weeks of lodging the first FIR being FIR No. 19 of 2015 under Section 498A read with Section 34 IPC, Police Station, Hisar, Haryana

4. The relevant facts are briefly stated hereunder:

(i) The appellant and respondent No.3 came in contact with each other in June, 2014 through internet.

(ii) The complainant (respondent No.2) who is the father of respondent No.3 had visited the appellant in Udaipur, who is a Chartered Accountant based in Hisar, for proposal of marriage of his daughter (respondent No.3) who was at that time posted as Deputy Superintendent of Police at Udaipur, Rajasthan.

(iii) On 18.02.2015 engagement took place and thereafter on 21.03.2015, the marriage was solemnised at Udaipur. On 10.10.2015, the respondent No.2 filed a complaint at Police Station, Hisar, Haryana under Section 498A IPC etc. The said complaint was registered at Police Station Hisar on 17.10.2015 as FIR No. 19 of 2015 under Section 498A read with Section 34 IPC.



(iv) In the meantime, respondent No.2 submitted another complaint on 15.10.2015 i.e. five days after the first complaint at the Police Station, Udaipur in the State of Rajasthan on the same set of allegations as in the previous complaint. This complaint came to be registered on 01.11.2015 as FIR No. 156 under Section 498A/506 IPC etc.

(v) In the first FIR No. 19 of 2015 along with the appellant other family members were also roped in. However, after further investigation, a Police Report under Section 173(2) Cr.P.C. was submitted in December, 2015 only against the appellant under Section 498A IPC. Based on the said Police Report, the Magistrate took cognizance and the trial proceeded and a case was registered as Crl. Case No. 232-I of 2015, in the Court of Judicial Magistrate, Ist Class, Hisar.

vi) In the meantime, the appellant filed a petition under Section 482 Cr.P.C. before the Rajasthan High Court for quashing of the second FIR No. 156 of 2015 registered at Udaipur. By the impugned order, the High Court has dismissed the said petition on 06.03.2017 primarily on two grounds. Firstly, that the complaint at Udaipur was prior in point of time than the complaint in Hisar. The second ground was that the Rajasthan Police was not aware of the earlier proceedings/complaint before the Hisar Police and as such the Udaipur Police should be at liberty to investigate the said complaint made at Udaipur.

11. In the facts and circumstances as recorded above, we are of the view that respondent Nos. 2 and 3 had been misusing their official position by lodging complaints one after the other. Further, their conduct of neither appearing before the Trial Court at Hisar nor withdrawing their complaint at Hisar, would show that their only intention was to harass the appellant by first making him face a trial at Hisar and then again at Udaipur. It would also be relevant to note that the appellant had



been arrested and thereafter granted bail. And now before this Court, the respondent Nos. 2 and 3 have been vehemently opposing the quashing of the FIR at Udaipur.

We may also note that in the complaint made at Hisar, there are allegations to the effect that when respondent No.2 visited the appellant at Hisar, he had made a demand of Rs. 50,00,000 and also an Innova Car. Thus, the argument that no offence was committed in Hisar but only at Udaipur was also not correct. We thus deprecate this practice of state machinery being misused for ulterior motives and for causing harassment to the other side, we are thus inclined to impose cost on the respondent No.2 in order to compensate the appellant.

12. In view of the above, the appeal is allowed. The impugned order passed by the High Court is quashed, and the impugned proceedings registered as FIR No. 156 of 2015 dated 01.11.2015, Women Police Station, Udaipur are quashed with costs of Rs. 5,00,000 (Rs. Five Lacs Only) which shall be deposited with the Registrar of this Court within four weeks and upon deposit of the same, 50% may be transmitted in the account of Supreme Court Legal Services Committee and the remaining 50% to the appellant.

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