

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 141/2023
CrIM No. 249/2023

Danish Chauhan

.....Appellant(s)/Petitioner(s)

Through: Mr. Prithvi Raj Drora, Advocate.

vs

Director General J&K Police and others

..... Respondent(s)

Through: Mr. P. D. Singh, Dy. AG.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

1. The petitioner has challenged FIR No. 12/2022 for commission of offences under Sections 498 A and 109 IPC registered with Police Station, Women Cell, Gandhi Nagar, Jammu.
2. It appears that respondent No. 3 filed a complaint before In-charge Women Cell, Gandhi Nagar, Jammu alleging therein that she had entered into wedlock with the petitioner on 02.04.2021. It has been further alleged that soon after the marriage, the petitioner subjected respondent No. 3 to ruthless and intemperate treatment and that she was being pressurized in connection with demands of dowry. It has been further alleged that the petitioner is a regular drinker, chain smoker and a drug addict. It is alleged that the petitioner has indulged in physical violence with the complainant on a routine basis making her life a hell. The complainant goes on to allege that the petitioner made demands of cash amounting to sum of Rs. 16 Lakhs and he also demanded a car from her. In short, respondent No. 3 has levelled serious allegations of cruelty against the petitioner in connection with

demands of dowry. The allegations have also been levelled against other relatives of the petitioner/husband.

3. Challenge has been thrown to the impugned FIR on the ground that the allegations made therein are absolutely vexatious with a view to victimise the petitioner and his family members. It has been further contended that all the relatives of the petitioner including his parents and brother-in-law have been roped in the FIR which shows that respondent No. 3 only intends to harass the petitioner. It is also contended that respondent No. 3 has already filed an application under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereinafter to be referred as DV Act) against the petitioner, as such, she is debarred from lodging FIR against the petitioner and his relatives. It has also been contended that there are no specific allegations in the impugned FIR against the petitioner.
4. I have heard learned counsel for the petitioner and perused the record of the case.
5. So far as the allegations made in the impugned FIR are concerned, these are very specific in nature as regards the role of petitioner herein. It has been specifically stated in the FIR that the petitioner made demands of cash and car from respondent No. 3 and it has also been specifically stated that the petitioner used to physically and mentally torture her in connection with demands of dowry. So the ground urged by the petitioner that there are no specific allegations against him in the impugned FIR, is without any merit.
6. So far as the contention of the petitioner that the impugned FIR has been lodged just to victimise the petitioner and his relatives is

concerned, the veracity of this contention can be ascertained during the investigation of the case. It is a fact that respondent No. 3 has unnecessarily roped in relatives of her husband in the impugned FIR, but this ground may be available to the relatives of the petitioner and not to the petitioner i.e. husband of respondent No. 3.

7. The contention of the petitioner that respondent No. 3 is debarred from lodging FIR as she has already filed an application under Section 12 of the DV Act is also without any merit. The scope of proceedings under Section 12 of the DV Act and the scope of criminal proceedings initiated pursuant to the lodging of FIR are entirely different from each other. While in proceedings under Section 12 of the DV Act, the victim of domestic violence can be awarded monetary compensation and she can also be given certain protective orders in her favour, but the criminal proceedings are intended to punish the perpetrator of a crime, may be a matrimonial crime. So, the provisions of DV Act and IPC act in different fields. Therefore, merely because respondent No. 3 has filed an application under DV Act, she cannot be debarred from lodging FIR against the petitioner for investigating the acts of cruelty alleged to have been perpetrated by him against her.
8. For the foregoing reasons, I do not find any merit in this petition. The same is accordingly **dismissed**.

(SANJAY DHAR)
JUDGE

Jammu
20.02.2023
Sahil Padha

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.