

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 232

Criminal Miscellaneous No.M-12007 of 2013 (O & M)

Date of Decision: *May 12, 2015*

Navin Deora

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

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CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

Ms. Priyanka Sadar, Assistant Advocate General,
Punjab.

Mr. Amrinder Vir Singh, Advocate, for respondent
No.2.

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Jaspal Singh, J

1. Through this petition preferred under Section 482 Cr.P.C.,
petitioner has sought quashing of FIR No.232 dated September 3, 2012,
under Sections 420, 465, 468, 471, 120-B IPC, registered at Police
Station, City, Ferozepur and all subsequent proceedings arising
therefrom.

2. Briefly stated the facts giving rise to the instant petition are that petitioner - Navin Deora is married to Rita Sharma who is elder daughter of Rakesh Kumar, complainant – respondent No.2. Some dispute erupted in between him and his wife on account of which respondent No.2 succeeded in getting registered FIR No.146 dated June 1, 2012 under Sections 363, 366 IPC, Police Station, City, Ferozepur, by concocting a false story that he has kidnapped Ms. Rajni. Feeling aggrieved, petitioner filed a petition seeking quashing of above referred FIR before this court vide Criminal Miscellaneous No.M-24891 of 2012 which was accepted. Resultantly, FIR No.146 dated June 1, 2012 registered against him was quashed in view of reply submitted by State of Punjab. During investigation of the said case, it revealed that Ms. Rajni had solemnized marriage with one Jagdish Singh on May 27, 2012 at Sri Shani Dev Temple Sewa Society, Ferozepur City. Jagdish Singh and Ms. Rajni also preferred a protection petition before learned Sessions Judge, Ferozepur against respondent No.2 which was also allowed. During these proceedings, it was admitted that as per certificate issued by Punjab School Education Board (for short, ‘PSEB’), date of birth of Ms. Rajni is December 10, 1983. But, prior to quashing of FIR No.146 dated June 1, 2012, vide order dated February 20, 2013 (Annexure P-3), respondent No.2 managed to get impugned FIR (Annexure P-4) registered against petitioner, in which, he levelled twin fold allegations. Firstly, that Jagdish Singh forcibly took away his

daughter Rajni on May 13, 2011 and in that process, Navin Deora (petitioner) assisted him. Secondly, that birth certificate furnished by Rajni during protection proceedings or investigation of previous FIR was forged and fabricated.

3. Here, it would be pertinent to mention that verification of birth certificate of Rajni was got conducted from PSEB which was found to be correct and secondly, there is nothing qua petitioner that he extended any help or conspired with Jagdish Singh to entice away Ms. Rajni who admittedly got solemnized marriage with Jagdish Singh. Said fact is also evident from protection order as well as quashing of previous FIR. So, allegations levelled in the impugned FIR neither disclose commission of any cognizable offence nor there is any evidence in support thereof. Rather, it appears that second FIR is the outcome of illwill of complainant – respondent No.2. Moreover, Ms. Rajni is leading a happy and peaceful life with Jagdish Singh and present petitioner has nothing to do with them.

4. No doubt, it is well settled that inherent power provided under Section 482 Cr.P.C. should be exercised sparingly in rarest of rare cases and with circumspection. But, it can be safely concluded in the facts and circumstances of the case as well as discussion made above that allegations levelled in the impugned FIR, quashing of which has been sought through the present petition as well as other material, do not disclose a cognizable offence, justifying any investigation by police

under Section 156(1) Cr.P.C. Thus, impugned FIR deserves to be quashed.

5. In the net result, present petition is allowed. FIR No.232 dated September 3, 2012, under Sections 420, 465, 468, 471, 120-B IPC, registered at Police Station, City, Ferozepur alongwith subsequent proceedings arising therefrom, is quashed.

May 12, 2015
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(Jaspal Singh)
Judge