

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM NO. M-14823 of 2015
Date of decision:- May 07, 2015**

Rupinder Kaur

...Petitioner...

versus

State of Punjab and another

...Respondents..

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Surinder Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J.

Instant petition has been preferred under Section 482 of the Code of Criminal Procedure by Rupinder Kaur-petitioner seeking quashing of FIR No. 264, dated 06.11.2010, under Sections 420, 465, 468, 471, 120-B IPC and Section 12 of the Passport Act, 1967, registered at Police Station Nakodar, District Jalandhar (Annexure P-2).

2. The contention of learned counsel for petitioner is that the marriage of petitioner was solemnized with Sukhdev Singh-respondent No.2 about 15 years ago and out of their wedlock, two children namely Manpreet Kaur and Yuvraj Singh were born on June 17, 1997 and October 29, 2000, respectively. Subsequent thereto, their relation became strained due to differences of their

temperament. Ultimately, petitioner-wife filed a petition under Section 13 of the Hindu Marriage Act in the month of May 2010 against respondent No.2, in which a compromise has been arrived at with the intervention of respectables and relatives. They accordingly, decided to get their marriage dissolved by way of mutual consent. During the pendency of those proceedings, petitioner-wife applied for a passport while disclosing her marital status to be unmarried, since, proceedings regarding divorce were pending. It was a bona fide mistake on her part as she was under impression that due to filing of divorce petition, her marital status would be “unmarried”. However, she subsequently, withdrew the said application. Meanwhile, respondent No.2-husband lodged a complaint with passport office as well as in police, on the basis of which, FIR in question was put into black and white and investigation of the case was put into motion. In fact, no offence is made out against the petitioner. The allegations contained in the FIR and other materials, if any, collected by investigating officer, do not disclose a cognizable offence, justifying an investigation by police officers.

3. It has further been contended by learned counsel for the petitioner that if un-controverted allegations levelled in the FIR do not disclose commission of any offence and make out a case against the petitioner, the FIR deserve to be quashed.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and has perused the records available.

5. Undisputably, petitioner was holder of a passport

No. E-0915522 on the date she moved a application seeking issuance of a fresh passport disclosing her marital status to be 'unmarried'. This fact cannot be said to be due to bona fide mistake. Admittedly, she was married to respondent No.2 about 15 years back and is a mother of two children namely Manpreet Kaur and Yuvraj, who are aged about 15 years and 10 years respectively. Application was moved to the passport office and the factum of aforesaid fact only revealed when matter came up for inquiry by police officers prior to issuance of passport. At this stage, no opinion can be expressed that contents of FIR do not disclose any cognizable offence or that case is not made out. Rather, it can be said that present petition is an abuse of the process of law. Accordingly, same is dismissed.

May 07, 2015
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(JASPAL SINGH)
JUDGE