

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

CRM M-20178 of 2011

Date of decision : 24.03.2015

Gurcharan Singh & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Kaura, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. S.S. Tiwana, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have sought quashing of FIR No. 61 dated 26.06.2011 registered against them under sections 406, 420 & 120-B IPC at police station Amloh District Fatehgarh Sahib.

Learned counsel for the petitioners has vehemently contended that dispute between the parties is matrimonial in nature. An agreement dated 07.09.2009 was entered into between the parties. Thereafter, instant FIR was lodged by brother of respondent no. 2 alleging that petitioners had backed out of the compromise after receiving *istri dhan*, jewellery, clothes and an amount of ₹10,00,000/-. According to him, allegations are frivolous. FIR in question, thus, deserves to be quashed.

Learned State counsel has opposed the plea. According to him, matter is still at the stage of investigation. Present petition is, thus, mis-conceived.

Plea has also been opposed by learned counsel appearing for respondent no. 2. According to him, after the

compromise, daughter of petitioner no. 2 lodged a complaint against her husband Daler Singh in Italy. As a result thereof, he was sentenced to imprisonment of more than one year and fine by the court in Italy.

I have heard learned counsel for the parties.

It appears that marriage between Daler Singh and daughter of petitioner no. 1 was solemnized on 17.08.2005. A female child was born thereafter. As matrimonial dispute arose, parties' claim that they entered into compromise dated 07.09.2009. According to complainant, after receiving the dowry articles and ₹10.00/- lacs, petitioners backed out of compromise. On the other hand, they lodged the FIR claiming that there was breach of trust and they had been cheated by the petitioners. Resultantly, FIR was lodged under sections 406, 420 & 120-B IPC. Admittedly, case is still at the stage of investigation. This court does not intend to express any opinion on the merits of case during the pendency of investigation. There is, thus, no ground to interfere in inherent jurisdiction. Dismissed.

March 24, 2015

Ajay

(RAJAN GUPTA)
JUDGE