

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-16822 of 2014
Date of Decision:22.1.2015

Jagir Kaur

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.A.S.Bhatti, Advocate
for the petitioner
Mr. Ankur Jain,Asstt. Advocate General, Punjab
for the respondent-State

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

REKHA MITTAL, J.

The present petition under Section 482 of the Code of Criminal Procedure (in short Cr.P.C.”) has been filed for issuance of direction to respondents No. 1 and 2 to protect life and liberty of the petitioner and her family members from false implication in criminal cases at the instigation of respondents No.4 to 12.

Counsel for the petitioner contends that Harjit Kaur, daughter of the petitioner was married to one Jagtar Singh son of Sadhu Singh resident of village Khan Chhapri Sahib, District Tarn Taran. She (Harjit Kaur) was harassed for dowry by her in laws and on 18.10.2012, she was set

on fire and later died due to burn injuries. On the basis of statement of Harjit Kaur, criminal case for commission of offence punishable under Sections 302, 498-A read with Section 34 of the Indian Penal Code (in short “IPC”) vide FIR No. 194 dated 18.10.2012 was registered against Jagtar Singh and others. After investigation, report under Section 173 Cr.P.C. was filed against Jagtar Singh and Avtar Singh and the case is pending before the trial court.

After registration of the aforesaid FIR, respondent No. 4 a relative of the accused party approached the petitioner and her family and pressurized them to compromise the matter. On their refusal, respondent No. 4 through his relatives and friends i.e. respondents No. 5 to 12 has started filing false applications against the petitioner that she had taken money on the pretext of getting service in the police. It is argued that the petitioner made repeated representations to the authorities but they did not pay any heed to her grievance. It is further argued that as the petitioner is suffering due to pendency of criminal proceedings legitimately lodged in regard to murder of her daughter, life and liberty of the petitioner which is under threat at the behest of respondents No. 4 to 12 is liable to be protected.

Notice of motion was issued only to official respondents Nos. 1 to 3.

Amrik Singh, Deputy Superintendent of Police, Tarn Taran filed reply by way of affidavit on behalf of respondents No. 1 to 3. In para 03 of the reply, there is reference to various police cases registered against the petitioner in the years 2012 and 2014. A relevant extract from the reply

reads as follows:-

“That in the abovesaid case, after proper inquiries, on the complaints, the FIR No. 226 dated 25.7.2012 u/s 420 IPC, PS City Tarn Taran, FIR No. 243 dated 26.6.2014 u/s 420 IPC, PS City Tarn Taran was registered on the statement of respondent No. 8 Harjinder Kaur D/o Charan Singh R/o Ratoke, Tehsil Patti, District Tarn Taran, FIR No. 336 dated 6.9.2014 u/s 420 IPC, PS City Tarn Taran was registered on the statement of respondent No. 5 Nishan Singh son of Shingara Singh R/o Talwandi Sobha Singh, Tehsil Patti, District Tarn Taran against petitioner Jagir Kaur and FIR No. 337 dated 6.9.2014 u/s 420 IPC, PS City Tarn Taran was registered on the statement of respondent No. 4 Resham Singh s/o Lakha Singh R/o Khoowaspur, Tehsil Khadoor Sahib, District Tarn Tarna against petitioner Jagir Kaur. The copies of FIRs are annexed as Annexure R-3 to Annexure R-6.”

Counsel for the respondents has contended that the present petition is nothing but an abuse and misuse of process of law in order to escape from criminal liability in view of criminal cases registered against the petitioner and the complaint dated 7.7.2014 filed by Simarjit Kaur which is pending enquiry with the Economic Cell, Tarn Taran. It is further submitted that the petitioner has involved the complainants and witnesses cited in those cases so that she is successful in scuttling investigation in the crime registered against her.

I have heard counsel for the parties and perused the records.

The petitioner has raised the plea that respondent No. 4 is relative of the accused in FIR No. 194 dated 18.10.2012 for offence under Sections 302, 498-A read with Section 34 IPC in regard to killing of Harjit Kaur and the said respondent approached the petitioner for compromising the said case. Neither in the petition nor during the course of arguments, counsel for the petitioner is in a position to establish any connection between Resham Singh respondent No. 4 and the persons arraigned as accused in regard to death of Harjit Kaur. Similarly, the petitioner has raised vague allegations in regard to respondents No. 5 to 12 being the relatives and friends of respondent No. 4 and, therefore, those respondents filing cases against her at the behest of respondent No. 4. The entire story concocted by the petitioner is exposed in view of the fact that one of the FIRs was registered against her on 25.7.2012, about three months prior to death of her daughter. The said FIR was lodged by one Dalbir Kaur on the premise that the petitioner extracted an amount of Rs. 4.5 lakhs on the basis of false representation that she would get daughter of the complainant enrolled in police as the petitioner has been awarded with bravery certificate for fighting against terrorism. In the subsequent FIRs. lodged against her, similar allegations of duping people on a false representation of arranging job for them have been levelled.

Keeping in view the facts revealed in the reply filed by Amrik Singh, Deputy Superintendent of Police, Tarn Taran duly corroborated by documentary evidence, I have no hesitation to conclude that the petition filed by the petitioner is nothing but an abuse and misuse of process of law

and has been filed by taking shelter of criminal proceedings lodged against in laws family of her daughter Harjit Kaur. She has miserably failed to establish any nexus between the case in regard to death of Harjit Kaur and the cases registered against her.

For the reasons aforesaid, the petition is dismissed with compensatory costs of Rs. 10,000/-.

(REKHA MITTAL)
JUDGE

22.1.2015
PARAMJIT