

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-31258 of 2012 (O&M)
Date of Decision: February 18, 2015

Gurjit Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
 Mr.Suvir Sidhu, Advocate
 for the petitioners.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
 for the respondent-State.

Mr.S.K.Sandhir, Advocate
 for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioners Gurjit Singh, Kamaljit Kaur, Amandeep Singh, Amrinder Singh, Satwinder Singh and Harjinder Kaur have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab, Jagtar Singh and Mrs.Navneet Kaur for quashing of FIR No.78 dated 31.07.2012 under Sections 420, 406 and 498-A IPC registered at Police Station Jodhan, District Ludhiana and all the subsequent proceedings.

Notice of motion was issued and learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and

contested the petition.

At the time of arguments, learned counsel for the petitioners argued that no offence is made out in this case and a false FIR has been registered. Rather, the petitioners helped private respondents by sending money regarding which the documents have been placed on record.

On the other hand, learned State counsel as well as learned counsel for respondents No.2 and 3 argued that petitioners Gurjit Singh and Kamaljit Kaur are already facing the trial. Charges have been framed against them and two PWs have already been examined. Petitioners No.3 to 5 have already been declared Proclaimed Offenders and petitioner No.6 has been directed by the trial Court to appear and to face the trial.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that the trial Court has already taken the cognizance and charges have already been framed against petitioners No.1 and 2 and further two PWs have already been examined and from the perusal of the FIR and other record, in no way, it can be held that no case is made out against them or in no way, the registration of the FIR amounts to abuse of process of the law or miscarriage of justice. Therefore, the present petition qua petitioners No.1 and 2 stands dismissed.

As regarding petitioners No.3 to 5, they have already been

declared Proclaimed Offenders and have not joined the investigation or surrendered before the Court to face trial. Therefore, the petition filed by these petitioners for quashing of FIR, in these circumstances, does not lie. Otherwise also, it has been brought to the notice of this Court that these petitioners No.3 to 5 are residing in USA and present petition has been filed on their behalf only. The mere fact that they have been declared Proclaimed Offender after filing of this petition, is no ground to say that the petition is maintainable. The fact remains the same that petitioners No.3 to 5 have not joined the investigation, have avoided the process of law and have been declared Proclaimed Offender.

As petitioners No.3 to 5 have been declared Proclaimed Offenders, they have not joined the investigation and have avoided the process of the law, therefore, present petition on their behalf for quashing of FIR, is not maintainable.

Learned counsel for the petitioners argued that the present FIR has been registered as a counter blast. This is a finding of fact, which is to be given by the trial Court on the basis of evidence. At this stage, in no way, it can be held that a false FIR has been registered or the petitioners are innocent. The perusal of the FIR shows that specific allegations have been levelled under Sections 406, 498-A and 420 IPC against the petitioners. The mere fact that if any observations have come during the enquiries conducted by one of the police officer, also is no ground to quash the FIR. After the investigation, challan has been presented against the petitioners and some of the petitioners

have been declared Proclaimed Offenders as discussed above. A detailed FIR has been got registered on the basis of application filed by Jagtar Singh father of Navneet Kaur. The allegations under Section 420 IPC are also levelled in the FIR against petitioners No.1 and 2. There is also allegation regarding demand of dowry and harassment to Navneet Kaur and the dowry articles have not been returned. There are also specific allegations against petitioner No.6 in the FIR.

As already discussed, there is nothing on the record to show that the registration of the FIR against the present petitioners, in any way, can be held as abuse of process of the law nor there is anything on the record to show that no offence is made out against the petitioners nor there is any material to say at this stage without evidence that petitioners are innocent and false case has been registered. These facts are to be decided by the trial Court regarding innocence of the petitioners etc. on the basis of evidence, which the parties will produce before the Court.

In view of of the above discussion, I do not find any ground to quash the FIR. Therefore, finding no merit in the present petition, the same is dismissed.

February 18, 2015
Vgulati

(INDERJIT SINGH)
JUDGE