

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

Date of decision:15.10.2015

Kulwinder Kaur

.....Petitioner

v.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ajit Singh Sodhi,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner-Kulwinder Kaur is *bhabhi* of respondent no.3-Guddo Bai. It is submitted that the said Guddo Bai with sickening and revolting allegations of rape and unnatural sex inflicted upon her by her own brother-husband of the petitioner and his family members including the petitioner lodged false FIR No.85 dated 5.7.2006 under sections 365,377,323,120-B,148,149 IPC, PS Guruharsahai. Motive behind was to put pressure on the pending civil litigation regarding her alleged claimed share in the property left behind by father-in-law of the petitioner and father of said Guddo Bai. Allegations, upon investigations, were found to be false by the police and cancellation report was filed. Guddo Bai then filed complaint no.535 dated 4.4.2007 which was dismissed by learned SDJM Guruharsahai vide judgment dated 1.8.2014(P-2) with a recorded finding that false allegations have

been made. The entire conduct also resulted into the death of husband of the petitioner.

Present petition under Section 482 Cr.PC has been filed for invoking the inherent jurisdiction of this Court to initiate proceedings and punish said Guddo Bai under Sections 193,195,196 and 211 IPC. In support reliance has been placed upon decision rendered by Hon'ble Supreme Court in **Perumal v Janki, RCR 2014(1)851**.

After hearing counsel for the petitioner this Court is not inclined to initiate proceedings as it is felt that the appropriate forum would be the Court of SDJM, Guruharsahai where the alleged offence has been committed by said Guddo Bai. Therefore, it is deemed appropriate to relegate the petitioner to seek her remedy before the appropriate forum in the light of previous litigation with the said Court and keeping in view the spirit of decision of Hon'ble the Supreme Court in **Perumal's** case (supra).

Disposed of accordingly.

15.10.2015.
joshi

(Jaswant Singh)
Judge