

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

CRM-M No.30534-2014.

Date of Decision: March 19, 2015.

JASVIR KAUR AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Ms. Meena Bansal, Advocate for the petitioners.

Ms. A.S. Kalar, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

This is an application under Section 482 of the Code of Criminal Procedure (in short, "Cr.P.C.") for quashing of First Information Report No.85 dated 19.06.2014 under Sections 406 and 498-A of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Women Cell Patiala, District Patiala.

2. Briefly, the accusation of the prosecution based on the First

Information Report was that Manpreet Singh (Asad Khan) son of Bawa Singh, resident of village Nial, Tehsil Patran, District Patiala, brother of petitioner no.1 Jasvir Kaur and son of petitioner no.2 Bharpur Kaur was already married to Randeep Kaur daughter of Malkiat Singh, resident of Baura Gate Nabha, District Patiala. Manpreet Singh (Asad Khan) was serving in Indian Army. On account of marital discord between him and his wife, petitioner no.2 had disinherited him by way of publication in newspaper dated 28.11.2013. Manpreet Singh changed his religion to Muslim and performed second marriage with Nazma Begum daughter of Suleman (respondent no.2). Said Suleman, being annoyed with the marriage got First Information Report No.85 dated 19.06.2014 under Sections 406 and 498-A I.P.C. registered against the petitioners and Manpreet Singh (Asad Khan).

3. Heard the submissions made by Ms. Meena Bansal, learned counsel representing the petitioners and Mr. A.S. Kalar, Assistant Advocate General, Punjab.

4. Learned counsel for the petitioners submitted that a perusal of the First Information Report reveals that no such act or incident was mentioned by the complainant which could invoke the provisions of Sections 406 and 498-A I.P.C. More so, the petitioners (sister and mother of Manpreet Singh) had no role to play in the marriage of Manpreet Singh (Asad Khan) and Nazma Begum. Manpreet Singh (Asad Khan) and Nazma Begum had filed a petition bearing CRM-M No.14357 of 2014 before this Court seeking protection for their life and liberty apprehending danger from

respondent no.2 Suleman and his brother Mohd. Rizman. The allegations contained in the First Information Report are completely false and in the said set of facts it is apparent that Nazma Begum had married Manpreet Singh (Asad Khan) on her own volition. There was no ground for complainant Suleman to feel aggrieved and therefore, the First Information Report, being abuse of process of law, deserves to be quashed.

5. Opposing the petition in the written reply submitted by the State, it was submitted that after thorough investigation a final report under Section 173(2) Cr.P.C. has since been prepared and presented in the Court on 09.09.2014. A petition had been filed concealing the true and material facts and Randeep Kaur, first wife of Manpreet Singh, on whose statement First Information Report was registered, had not been impleaded as party to the petition.

6. Having considered the arguments submitted by Ms. Meena Bansal, learned counsel representing the petitioners and Mr. A.S. Kalar, Assistant Advocate General, Punjab, I find that there is absolutely no merit in the contention of the petitioners. The First Information Report No.85 dated 19.06.2014 was registered under Sections 406, 498-A and 494 I.P.C. whereas in the head note of the petition, it was mentioned that the First Information Report in question was registered under Sections 406 and 498-A I.P.C. In para no.6 of the petition, it was mentioned that a First Information Report under Section 494 I.P.C. had been got registered by respondent no.2 Suleman but there the number of the First Information Report was not mentioned. More so, as mentioned in the reply of the State it

is on the complaint of Smt. Randeep Kaur, first wife of Manpreet Singh that section 494 I.P.C. was added to the case. In her complaint, she had made specific allegations of maltreatment and dowry against the petitioners and her husband Manpreet Singh.

Randeep Kaur, the actual complainant though was necessary party but was not impleaded as party but was not intentionally impleaded as party to the petition. Otherwise also, prima facie there are specific allegations against the petitioners in the First Information Report and therefore, there is no ground for quashing the same and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

March 19, 2015
jitender