

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

CRM-M No.36962-2010 (O&M).
Date of Decision: March 25, 2015.

GAGAN PREET KAUR

...PETITIONER.

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. Rupinder Kaur Thind, Advocate for the petitioner.
Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab.
Mr. Malkeet Singh, Advocate for respondent no.2.

SNEH PRASHAR, J.

Short reply alongwith documents Annexure R1, R2 and R3
filed by learned State counsel are taken on record.

2. 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.88 dated 19.02.2010 under Sections 420, 465, 467, 469, 471 and 120-B of the Indian Penal Code (in short, "I.P.C.") registered against the petitioner at Police Station Civil Lines, District Amritsar alongwith all proceedings emanating therefrom.

3. The First Information Report No.88 dated 19.02.2010 relating

to filing of a false experience certificate alongwith the application form submitted by Gagan Preet Kaur wife of Mandeep Singh, daughter of Gurbax Singh, while applying for the post of Punjabi Mistress in response to an advertisement published by the Department of Education, Punjab, in the year 2006, was registered on complaint no.220-ADGP dated 29.01.2010 sent by Additional Director General of Police (Crime) Punjab, Chandigarh to Senior Superintendent of Police, Amritsar. It was mentioned in the complaint that inquiry was conducted under the orders of Senior Superintendent of Police, Amritsar City by Deputy Superintendent of Police (Detective). District Attorney (Legal) commented that an inquiry from the concerned department be made whether the experience certificate was required from Gagan Preet Kaur wife of Mandeep Singh (petitioner) for getting the job. During investigation, Gagan Preet Kaur clarified that she had filled column no.1 to 14 in the application form no.048174 on the basis of her educational qualification and in column no.14 had filled the details of the documents annexed with the application form. She stated that she neither received the experience certificate nor she required the same for getting the service as she was given the job in sports quota. According to her, the forged certificate issued by Guru Teg Bahadur High School, Gehri Mandi in her name had been annexed in her file under some planted act to get her implicated in a criminal case. Also during investigation, District Education Officer (EE), Amritsar, in his statement recorded on 18.08.2009, stated that at the time of getting the service Gagan Preet Kaur did not take the benefit of any experience certificate as she was selected on the basis of

her qualification.

4. On registration of the case, investigation was conducted by Zonal Superintendent of Police (Crime), Amritsar Zone, Amritsar. The operative portion of the inquiry report prepared by him is as under:-

“With regard to investigation of experience certificate annexed with form No.048174 annexed by Gagan Preet Kaur enquiries were made from Smt. Kulwant Kaur, Senior Assistant, Subordinate Service Selection Board, Sector 8-C, Chandigarh who stated that she is working in the office since two months. She had the record of selection of Punjabi Mistress, the selection of Gagan Preet Kaur daughter of Gurbax Singh was made in sports quota by Subordinate Service Selection Board, Punjab in the year 2006. Her file was seen from page No.1 to 30 on page no.15 the attested copy of detail marks card of BA general third year is annexed and on page No.22 the teaching experience certificate dated 16.2.2006 issued by Guru Teg Bahadur High School, Gehri Mandi, District Amritsar attested by Deputy Economics and Statistical Advisor Amritsar, are annexed. The record can be presented, if required, in the court. The accused Gagan Preet Kaur has stated that she has no knowledge of the experience certificate at annexure 'O' and forged certificate at Annexure 'A'. In this regard Smt. Kulwant Kaur, Senior Assistant at Subordinate Service Selection Board, Sector 8-C, Chandigarh has stated that the teaching certificate issued by Guru Teg Bahadur High School, Gehri Mandi, District Amritsar is annexed at page No.22 and it is not possible that the certificate could be attached by some other person.

From the investigation conducted by me it has been found that Smt. Gagan Preet Kaur has attached the experience certificate issued by Guru Teg Bahadur High School, Gehri Mandi, District Amritsar for getting the service but since the address of Headmaster Avtar Singh who issued the certificate could not be known the signatures could not be compared by FSL and to prove the offence against Gagan Preet Kaur, the address of Headmaster Avtar Singh is needed to get the signatures compared and present the challan in the court. If accepted, direction be received from Police Commissioner.”

5. Consequent to the inquiry report, the petitioner filed the instant petition for quashing of the First Information Report. She pleaded that she

was married to Mandeep Singh and complainant Nihal Singh is her father-in-law. She had been turned out of the matrimonial home and her husband had refused to maintain her and her son on which she had filed an application under Section 125 Cr.P.C. for grant of maintenance which was allowed in her favour on 11.11.2004. The complainant-respondent was having grudge against her because her son has a right in the property which is jointly owned by him and other coparceners and since the complainant was trying to alienate the property, a suit for declaration was filed by her son through his natural guardian (mother) which was pending. Submitting that the whole process smells of malafide on part of some person and the proceedings indicate that no charge is made out against her, she sought quashing of the First Information Report.

6. Heard the submissions made by Ms. Rupinder Kaur Thind, learned counsel representing the petitioner, Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab and Mr. Malkeet Singh, learned counsel representing respondent no.2.

7. Learned counsel for the petitioner argued that neither in the advertisement, in response to which the petitioner had applied for the job of Punjabi Mistress, an experience certificate had been demanded nor she was appointed/selected on the basis of the experience certificate. Her selection was made considering her qualification and merit. The complainant, who is father-in-law of the petitioner, had no reason to know what document had been annexed by her with her application. The complaint given by him was a mere counter blast to the civil and criminal litigation pending between the

petitioner and her husband and other family members of the in-laws family and is intended only to harass and humiliate her.

8. On the other hand, learned Assistant Advocate General, Punjab representing the State of Punjab filed short reply in the form of additional affidavit of Harjit Singh, PPS, Assistant Commissioner of Police, Crime, Amritsar. She also filed photocopies of the advertisement issued by Education Department; the application duly filled in on the prescribed proforma and submitted by the petitioner; receipt challan vide which Rs.100/- towards S.S. Board examination were deposited by the petitioner; and the experience certificate filed alongwith the application. It was pointed out by learned Deputy Advocate General that on the second page of the application all documents annexed with the application by the petitioner were separately mentioned by her and at serial no.12 there is mention of teaching experience certificate attached with the application.

Learned State counsel contended that in her explanation sought during inquiry, it was not the case of the petitioner that the mention of experience certificate at serial no.12 in her application was not in her hand. Serial no.12 in the list of documents is written in the application with the same pen and ink and by the same person who had written the documents at serial no.1 to 10. In none of her explanation or statement the petitioner had stated that serial no.12 in the list of documents in her application had been lateron added by some other person and was not written by her. Learned counsel asserted that the original application form of the petitioner alongwith other documents has been brought today by the official

concerned of the department. The department had nothing to do with the matrimonial dispute, if any, of the petitioner. At this stage, it cannot be said that the document which was specifically mentioned in the list of documents in the application submitted by the petitioner was not filed by her.

9. Indeed, prima facie it is evident that the experience certificate, which is said to be forged, was mentioned at serial no.12 in the list of documents written in column no.14 of the application of the petitioner which was admittedly filled in by her. The complainant may be father-in-law of the petitioner but the fact is that inquiry into the allegations contained in the First Information Report prima facie have shown substance in the allegations. Though the petitioner alleged that experience certificate was not required to be filed alongwith the application and that she had been appointed on the basis of her qualification and merit yet prima-facie it is apparent from her application that the document which is alleged to be forged was mentioned at serial no.12 in the list of documents written in her application.

10. In the above premises, it is apparent that finding that prima facie there are serious allegations in the First Information Report and at this stage there is no ground for quashing of the same and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

March 25, 2015
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