

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

**Crl. Misc. No. M-35581 of 2013
Date of Decision: 5.1.2015.**

Harpreet Singh @ Happy

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jagjit Singh, Advocate
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. Vaneet Soni, Advocate
for respondent No. 2.

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SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of complaint No. 52 dated 10.3.2006 under Section 342, 386, 376, 217, 218, 120-B/34 of the Indian Penal Code, 1860 ('IPC' for short) (Annexure P-3) and all the subsequent proceedings arising therefrom including the summoning order dated 12.2.2013 (Annexure P-4).

Learned counsel for the petitioner has submitted that respondent No. 2 is habitual of filing false complaints. The matter was duly inquired by the police and the allegations levelled by respondent No. 2, were found to be false. The complaint in question was vague.

Learned State counsel as well as counsel for

respondent No. 2, on the other hand, have opposed the petition.

Case of the complainant-respondent No. 2, as per the complaint Annexure P-3, in brief, is that about 7-8 months prior to the filing of the complaint, she was going from bus stand to Court Complex, Kapurthala. Petitioner met her on the way and assured the complainant that he would send her to England in case she paid him ₹ 5,00,000/-. After few days, petitioner took the passport of the complainant as well as ₹ 2,00,000/- from her and assured her that he would send her to England as early as possible. Thereafter, petitioner started threatening the complainant that he would send her to England only in case she developed illicit relations with him. Petitioner under threat committed wrong acts with her. On 10.7.2005, at about 7.00 P.M., petitioner along with his co-accused entered the house of the complainant and forced her to sign on certain blank papers. When the complainant refused to do so, accused took away her younger son to Police Station, Subhanpur where complainant was made to sign on some blank papers.

In support of her complaint, complainant led her preliminary evidence.

Vide impugned order dated 12.2.2013 (Annexure P-4), petitioner was ordered to be summoned to face the trial qua commission of offence punishable under Section 376 IPC.

In support of his argument, that the complainant was habitual of lodging false cases, learned counsel for the petitioner has placed reliance on orders Annexure P-1 and Annexure P-2. A perusal of Annexure P-1 reveals that accused who had faced the trial under Section 376, 506 IPC at the instance of

respondent No. 2, was acquitted of the charges framed against him as respondent No. 2 had turned hostile during trial. A perusal of Annexure P-2 reveals that complaint under Section 406, 420, 506 IPC was filed by respondent No. 2 against Sudesh Rani and Monu Bhandari. Vide Annexure P-2, the said complaint was dismissed as respondent No. 2 had failed to establish that she had handed over cash or gold ornaments to the accused as alleged by her.

In the present case, the allegations levelled against the petitioner are serious in nature. It would not be just and expedient to scuttle the criminal proceedings at the very threshold. However, petitioner would be at liberty to take up all the pleas available to him during trial. At this stage, the complaint in question is not liable to be quashed merely because accused Gurinderjit Singh was acquitted by the Trial Court vide Annexure P-1 or because the complaint filed by respondent No. 2 was dismissed vide Annexure P-2. The defence put-forth by the petitioner can be gone into by the Trial Court at the time of final disposal of the trial.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

January 05, 2015
Gurpreet