

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM No.M-42224 of 2013 (O&M)

Ravinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

(2) CRM No.M-7516 of 2014 (O&M)

Amandeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

(3) CRM No.M-7517 of 2014 (O&M)

Baldip Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**Date of Decision: September 14, 2015**

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.S.S.Swaich Advocate  
for the petitioners.

Mr.B.S.Bhullar, Asstt. Advocate General, Punjab  
for the respondent-State.

Mr.Rakesh Chopra, Advocate  
for respondent No.2.

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**INDERJIT SINGH, J.**

All the above-mentioned cases are taken up together

being arisen from same criminal complaint.

Petitioners of all three petitions namely Ravinder Kaur, Amandeep Kaur and Baldip Singh have filed this petition against respondents State of Punjab and Pritpal Kaur alias Sabita under Section 482 Cr.P.C. for quashing of complaint No.56 dated 23.01.2009 titled as 'Pritpal Kaur vs. Baldeep Singh and others' under Sections 494 and 120-B IPC, pending before learned Chief Judicial Magistrate, Fatehgarh Sahib and summoning order dated 03.09.2009 and all the subsequent proceedings pursuant thereto.

Notice of motion was issued and learned State counsel and learned counsel for respondent No.2 appeared and contested all the petitions.

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

From the record, first of all, I find that it is admitted fact that earlier the FIR was got registered by complainant Pritpal Kaur under Section 506 and 498-A IPC, the accused have been acquitted on the ground that the complainant failed to prove her marriage with Baldip Singh. In that case which arose from FIR No.46 dated 18.03.2005 under Sections 498-A and 506 IPC registered at Police Station Bassi Pathana, Surinder Singh, Jaswinder Singh, Paramjit Kaur, Hardeep Kaur and Amar Singh etc. were the accused, who have been acquitted vide judgment dated 03.05.2010 passed by learned Chief Judicial Magistrate, Fatehgarh Sahib. In that FIR, it was the case of Pritpal Kaur @ Sabita that she was married to Baldeep Singh

on 14.01.2000 according to Hindu Rites in a temple. Pritpal Kaur originally belongs to village Korba Tehsil Karhora District Bilaspur, Madhya Pradesh. Baldeep Singh was working as a truck driver with some company at Korba. Learned CJM, Fatehgarh Sahib in the judgment dated 03.05.2010 held that in the absence of any established relationship between the complainant and Baldeep Singh, relationship of the complainant with the accused is not established. Therefore, the accused were acquitted in that FIR.

Again, Pritpal Kaur filed a complaint against the present petitioners along with Jaswinder Singh etc., under Sections 494 and 120-B IPC. On the basis of preliminary evidence, learned CJM, Fatehgarh Sahib passed the summoning order dated 03.09.2009. Co-accused Jaswinder Singh, Kulwinder Singh alias Kaka and Kuldeep Kaur filed a quashing petition before this Court i.e. CRM No.M-7855 of 2011, which was decided on 08.05.2013 by this Court. While discussing all the facts and also the finding of earlier criminal case, the Court held that complainant could not prove the first marriage to be a valid marriage or even a marriage between her and Baldeep Singh and in the absence of proof of both the marriages, the offence under Section 494 IPC does not stand attracted and also held that consequently, the complaint in hand clearly appears to be abuse of the process of the Court and hence, the petition was allowed and the criminal complaint No.56 dated 23.01.2009 titled as Pritpal Kaur vs. Baldeep Singh and others and the summoning order dated 03.09.2009 along with all subsequent proceedings arising out of the

same were quashed qua the petitioners of that case.

As this Court, after discussing the facts and law, has already quashed the criminal complaint by holding that there is no evidence to prove the first marriage and second marriage and also held that complaint is nothing but abuse of process of the Court, therefore, in view of these findings, the complaint and summoning order against present petitioners are also abuse of process of the law.

In view of the above discussion, I find merit in all the above-mentioned petitions and the same are allowed. Therefore, complaint No.56 dated 23.01.2009, summoning order dated 03.09.2009 and all other subsequent proceedings arising therefrom are hereby quashed.

**September 14, 2015**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**