

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

CRM M-12682 of 2014

Date of decision : 02.03.2016

Ranjit Kaur & ors.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Deol, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

Mr. S.K. Arya, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have sought quashing of FIR in question. According to learned counsel, complainant entered into a compromise, copy whereof is Annexure P-3. He has also referred to affidavits, Annexures P-4 & P-5 according to which entire money had been repaid by the petitioners. Thus, FIR deserves to be quashed. He has placed reliance on judgment of the Apex court reported as *Mohd. Shamim vs. Smt Nahid Begum 2005(3) SCC 302*.

Prayer has been opposed by learned State counsel. According to him, no ground is made out for quashing of the FIR. Learned counsel for the complainant has made submission on similar lines. According to him, compromise, Annexure P-3 and affidavits are fake. The compromise bears signatures of Jaswant Singh and is dated 07.05.2011. Referring to document, Annexure R-1, he submits that Jaswant Singh died on 01.12.2010. There is,

thus, no question of his signing as a witness on the compromise or swearing affidavit, Annexure P-4.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by Gurpreet Singh (respondent no. 2 herein). It was alleged that accused had taken more than ₹17 lacs on the pretext that he would be sent abroad. ₹12.00 lacs was paid in cash to the accused in the presence of Sarpanch Jaswant Singh. On 03.07.2009, a bogus marriage was solemnized with Ranjit Kaur by producing some forged photographs before Marriage Officer at Amritsar. Another ₹2.00 lacs was paid to the accused on the same day. Rest of the amount was also paid later. Accused promised that the work would be done at the earliest. However, accused backed out.

Keeping in view facts and circumstances of the case, I am of the considered view that no case for quashing of the FIR is made out. The pleas raised can only be decided after evidence is led before the trial court. This court cannot place reliance on the compromise Annexure P-3 or the affidavits as complainant alleges that same are fake. Judgment in *Mohd. Shamim's* case (supra) cannot help the case of the petitioners. Petition is, thus, without any merit and is hereby dismissed.

March 02, 2016

Ajay

(RAJAN GUPTA)
JUDGE