

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-1391 of 2016

.....

Date of decision:14.1.2016

Manjit Kaur and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. S.S. Narula, Advocate for the petitioners.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.8 dated 9.1.2014 (Annexure-P.9) registered for the offences under Sections 420 and 120-B IPC at Police Station Dina Nagar, District Gurdaspur along with all subsequent proceedings arising therefrom including the final report under Section 173 Cr.P.C. (Annexure-P.11). In the alternative it has been prayed that the case arising out of FIR No.8 dated 9.1.2014 be directed to be tagged with and tried simultaneously with criminal complaint No.31982/13 dated 1.12.2012 titled “Pardeep Kumar Versus Manjinder Kaur” (Annexure-P.8) pending in the Court of Judicial Magistrate Ist Class, Jalandhar.

I have heard learned counsel for the petitioners and have gone through the record.

At the time of arguments, learned counsel for the petitioners mainly argued that the petitioners have already filed a complaint before the

Police in the year 2011, which they had withdrawn later on. Then the petitioners filed the criminal complaint against Manjinder Kaur-respondent No.2, which is pending before the Court. As a counter-blast, respondent No.2-Manjinder Kaur-complainant filed this false and frivolous FIR.

At this stage, the challan has already been presented in this FIR case after completion of the investigation. The charges have not been framed so far as argued. As per the allegations in the FIR, Manjinder Kaur had paid the amount to Pardeep Kumar and allegations are also levelled against Manjit Kaur. A perusal of the FIR no where shows that no offences are made out from the FIR.

At this stage, there are two versions one is given by the petitioners as they stated in the complaint filed by them and the other version is given by Manjinder Kaur-respondent No.2 in the FIR No.8 dated 9.1.2014. At this stage, without any evidence, it cannot be held as to which version is correct one as it is only to be decided by the trial Court when the parties will produce the evidence. At this stage, there is nothing to show that this FIR has been falsely got registered against the petitioners nor it can be held that it is registered with mala fide intention or as a counter-blast. All these findings are finding of fact and are to be given after the appreciation of the evidence which is to be produced before the trial Court.

Therefore, at this stage, in no way, it can be held that the registration of FIR is abuse of the process of law or amounts to miscarriage of justice. Hence, the FIR in question, at this stage, is not liable to be quashed.

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As regards the alternative prayer for taking up this FIR case with the criminal complaint, I find that it is also premature, as argued in the criminal complaint no summoning order has been passed so far.

Therefore, from the above discussion, finding no merit in the present petition, the same is dismissed.

January 14, 2016.

(Inderjit Singh)
Judge

hsp