

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

CRM No.M-13378 of 2014 (O&M)

Date of Decision: August 29, 2016

Mandeep Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek Salathia, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Ms.Rupinder Kaur, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.21 dated 24.04.2013 under Section 12 of the Passport Act registered at Police Station Jhander, District Amritsar and all consequential proceedings arising therefrom including final report under Section 173 Cr.P.C.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

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

From the record, I find that the FIR was registered at the

instance of Gaganpreet Kaur. She stated that she was married to Mandeep Singh on 26.05.2002. Her dowry case is pending against her husband. On the basis of her statement, a case was registered against Mandeep Singh under Sections 406 and 408-A IPC vide separate FIR. It is further stated that passport of Mandeep Singh had expired in 2004, therefore, he got his passport No.E8291300 renewed from Regional Passport Office, Jalandhar in 2004. At that time, she was married to Mandeep Singh but he submitted wrong information to the passport office while applying for renewal of passport that he is unmarried. On the basis of wrong and false information submitted by Mandeep Singh, his passport was renewed by the Passport Office, Jalandhar. A complaint against Mandeep Singh was submitted by her (complainant) to SSP Amritsar on 28.08.2006 for taking legal action for submitting false information but no action was taken. It is also in the FIR that she filed a petition before this Court and this Court had issued direction to SSP Amritsar and Passport Officer, Jalandhar, to look into the complaint and to take appropriate action.

The perusal of the FIR itself shows that only allegation against the present petitioner is that while getting renewed his passport, he has shown his status as unmarried wrongly. It is stated in the petition that the petitioner has already surrendered his passport in 2011. At the time of registration of the FIR in question, the petitioner was not in possession of any passport. It is admitted that petitioner, who is permanent resident of Amritsar was married on 26.05.2002 and out of the wedlock, one son was born on 01.12.2003. The matrimonial relations became strained and respondent No.2 deserted the petitioner and since then, petitioner and respondent No.2 are involved in series of litigations. In the petition, so

many cases between petitioner and respondent No.2 are mentioned. It is further stated that FIR has been registered against the petitioner despite the fact respondent-wife had already filed a complaint against the petitioner on similar facts before the Regional Passport Office, Jalandhar and in pursuance to the complaint, the petitioner was issued show cause notice on 09.12.2010 by the Assistant Passport Officer, Jalandhar. Vide show cause notice, the petitioner was directed to surrender his passport and in compliance to the show cause notice, the petitioner appeared before the concerned authorities and surrendered his passport on 03.01.2011. Accordingly, no further action was taken by Assistant Passport Officer under the provisions of Passport Act, 1967.

Later on, the present FIR was got registered by the wife of the petitioner by concealing the fact regarding surrendering of the passport by the petitioner in the year 2011. It is also stated that the final report has been presented under Section 12 of the Passport Act despite the fact that the mandatory provisions of Section 15 of the Act have not been complied with and sanction has not been obtained from the Central Government.

From the record, first of all, I find that presentation of challan is time barred. Section 12(1) (b) of the Passport Act provides that whoever knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempts to alter or causes to alter the entries made in a passport or travel document, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extent to five thousand or with both.

challan is three years. The commission of offence has come into knowledge of the department/authority when they issued show cause notice dated 09.12.2010. As per the record, passport was surrendered in January 2011. The challan was prepared on 08.10.2013 and presented in the Court on 25.12.2014 i.e. after more than the limitation period of three years. Therefore, the challan is time barred and the Court cannot take cognizance.

Secondly, I find that, from the face of it, it looks that there is a matrimonial dispute between petitioner and respondent No.2. When on the basis of the show cause notice, the passport has already been surrendered to the authorities and the authorities had not filed any complaint or got registered any FIR, then the registration of the present FIR by the respondent-wife of the petitioner due to the matrimonial dispute, looks only to have been filed to harass the present petitioner.

There is no dispute that anybody can initiate the criminal proceedings but in the facts and circumstances of the present case and especially in view of the fact that challan is time barred as the challan has been presented after about four years, I find merit in the present petition and the same is accepted.

Accordingly, FIR No.21 dated 24.04.2013 under Section 12 of the Passport Act registered at Police Station Jhander, District Amritsar and all consequential proceedings arising therefrom, are hereby quashed.

August 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No