

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-16249 of 2015 (O&M)

Date of Decision: 10.3.2016

Kulbir Kaur @ Kulbir Devi

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Dhillon, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mr. Jagdish Manchanda, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.39 dated 2.5.2015 under sections 406, 420, 468, 471, 506 I.P.C, registered at Police Station, Jhansa, District Kurukshetra.

Briefly, it may be noticed that the F.I.R was lodged on the complaint of Manjeet Kaur wife of Balbir Singh on the allegations of misappropriation of a sum of Rs.7 lacs by the present petitioner as also co-accused namely Jarnail Singh and Satnam Singh on the pretext of sending son of the complainant to a foreign land.

At the stage of issuing notice of motion i.e. on 18.5.2015 counsel for the petitioner had raised a submission that the petitioner had taken divorce from her husband Jarnail Singh in the year 2009 and since then she had been living separately and as such, in the impugned F.I.R she has been wrongly implicated. At the subsequent date of hearing i.e. on 14.9.2015 petitioner was permitted to implead the complainant as respondent/party on the oral request having been made and a counsel i.e.

Mr. M.S. Lukhi, Advocate had put in appearance at that very stage on behalf of the complainant/newly added respondent and had made a statement that a compromise has been effected between the parties.

During the course of hearing today, Mr. Jagdish Manchanda, Advocate has put in appearance on behalf of the complainant and submits that there is no compromise/settlement between the parties. That apart, Mr. Manchanda states that the complainant has lodged a separate complaint with the police as regards never having engaged Mr. M.S. Lukhi, Advocate and as such, the statement having been made before this Court on 14.9.2015 being totally false and incorrect.

Even learned State counsel upon instructions from ASI Surender Kumar has informed the Court that the assertion with regard to the petitioner staying separately from her husband Jarnail Singh has been found to be false and in this regard a statement of Mr. Anil Bagri, Municipal Commissioner, Ward No.6, Pehowa Town has been recorded and as per which the present petitioner continues to stay in the matrimonial home i.e. of her ex-husband Jarnail Singh.

Under such circumstances, no ground is made out for quashing of the F.I.R in question.

Petition, accordingly, is dismissed.

It is, however, made clear that dismissal of the present petition would not preclude the petitioner to raise all such pleas as may be available to her strictly in accordance with law and before the appropriate forum.

(TEJINDER SINGH DHINDSA)
JUDGE

10.3.2016

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