

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

CRM-M-17374 of 2015
Date of Decision: March 28, 2016

Gurdial Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.K. Ahluwalia, Advocate
for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

Mr. R.S. Rangpuri, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

This is a petition preferred under Section 482 Cr.P.C. by accused/petitioner Gurdial Kaur, whereby, she has sought quashment of FIR No.263 dated 29.09.2012 under Sections 427,447,506,120-B IPC registered with Police Station Focal Point, Ludhiana (Annexure P/6) as well as chargesheet framed against the accused including the petitioner for commission of offences under Sections 427,447,506,120-B IPC by learned Chief Judicial Magistrate, Ludhiana through orders dated 4.8.2014 (Annexure P/10).

Heard, learned counsel for the parties. As has been canvassed by the counsel for the petitioner as well as respondents initially one Satnam Arora is alleged to have filed a complaint dated 23.12.2010 before the Police against the petitioner and vide inquiry

findings dated 7.4.2011 the same was ordered to be filed (Annexure P/4). The petitioner had filed a civil suit titled as Gurdial Kaur vs. Satnam Singh in which she procured interim stay vide order dated 1.12.2010 (Annexure P/3). It is thereafter that above said Satnam Arora, who happens to be the father of the present complainant Saurabh Kathuria filed a second complaint to the police on 18.9.2012 leading to the registration of the present case by way of FIR No.263 dated 28.09.2012 (Annexure P/6). The main grouse in the light of the contentions of the counsel for the petitioner is that in the said FIR there is no mention regarding fact of the first complaint filed by the father of the complainant and that in the light of the statement of Satnam Arora father of the complainant dated 8.4.2015 made in the case (Annexure P/11) the FIR needs to be quashed which is stoutly opposed on behalf of the respondent arguing that it is a matter of evidence and that after framing of chargesheet nothing survives in the petition as even the order framing of charges has never been put to challenge.

Appreciating the submissions, it is well enunciated principle of law as has been laid down in **State of Haryana and others vs. Ch. Bhajan Lal and others AIR 1992 S.C. 604** the ambit of Section 482 Cr.P.C. is very restricted and is only to be exercised in exceptional cases for advancement of justice. The Court needs to avoid evaluation of the evidence of the parties. The averments that mention of previous complaint to the police that it was filed has no relevance at this juncture and it is matter of evidence and appreciation of the same at the trial. Moreover, Courts are not bound by the findings in such inquiries. Keeping in view that the charges in view of prima facie evidence have already been framed and matter has been put to trial and evidently nothing seemingly is there in favour of the petitioner for exercise of powers under Section 482 Cr.P.C. The mere pendency of civil

litigation between the parties and its effect is to be seen at the trial stage and is the appreciation of defence of the accused/petitioner. More so, it is well elicited from the records that the parties are litigating over a property in question and that the previously instituted similar petition under Section 482 Cr.P.C. by present petitioner-Gurdial Kaur and others CRM-M-16626 of 2014 for similar relief was adjudicated on merits and this Court had expressed its opinion in order dated 19.4.2014 that there was no ground to quash the FIR in question and similarly in the instant petition no fresh ground has arisen or is canvassed by the counsel for the petitioner nor is otherwise made out necessitating dismissal of the present petition which stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

March 28, 2016

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