

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

**CRM No.M-18134 of 2015 (O&M)  
Date of Decision: November 07, 2016**

Rajwinder Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Amardeep Singh Gill, Advocate  
for the petitioner.

Mr.Neeraj Sharma, Addl. Advocate General, Punjab  
for the respondent-State.

None for respondent No.2.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Anmol Singh for quashing of FIR No.36 dated 12.04.2015 under Section 380 IPC registered at Police Station Mamdot, District Ferozepur and all the consequent proceedings arising therefrom.

Notice of motion was issued and learned State counsel appeared and contested the petition. Earlier, learned counsel for respondent No.2 was appearing but today, none appeared on behalf of respondent No.2.

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

The perusal of the record shows that FIR in the present case was got registered by respondent No.2 against Rajwinder Kaur by alleging that she has stolen away valuable articles from home without informing him and is misappropriating the same. As per the allegations, when the complainant had gone on the border on his duty, his wife i.e. accused (present petitioner) in his absence, having been instigated by her sister ASI Parminder Kaur, took away one gold karha weighing 4 tolas, one gold ring weighing one tola, one pair gold topus weighing 12 grams, one pair gold ear-rings weighing one tola, one wrist watch, cash amount of ₹45,000/- and some important papers and certificates. The complainant asked his wife (petitioner) to return the articles stolen by her from the house, to which, she flatly refused.

As per the FIR, the articles were stolen on 20.03.2014 but the FIR in question has been got registered on 12.04.2015. This long delay of one year and one month has not been explained in the FIR. Further, the perusal of the record shows that present petitioner, who has allegedly stolen the gold articles, is the wife of respondent No.2. It is proved from the record that a matrimonial dispute is going on. At the time of arguments, learned counsel for the petitioner argued that even the divorce has already been taken by petitioner from respondent No.2. Learned State counsel contended that in this case, cancellation report has already been prepared and the same is going to be filed before the Court.

Moreover, with the reply filed by the State, enquiry report of SP(H), Moga has been placed on the record, in which FIR No.36 dated 12.04.2015 under Section 380 IPC is found to be false. It is also in the

wife-petitioner. It is found that Rajwinder Kaur has not stolen gold jewellery or anything from the house of Anmol Singh.

In view of the long delay of one year and one month in registration of the FIR, in view of the matrimonial dispute between the parties, being husband and wife and articles are stated to be stolen from matrimonial home and in view of the enquiry report submitted by senior police officer along with the reply, I find that the registration of the FIR in the present case, is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. The FIR No.36 dated 12.04.2015 under Section 380 IPC registered at Police Station Mamdot, District Ferozepur and all the subsequent proceedings arising therefrom, are hereby quashed.

**November 07, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**