

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-21422 of 2015

Date of decision: January 21, 2016

Bhupinderjit Singh Dhaliwal

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.

Rajan Gupta, J.

This is a petition under section 482 Cr.P.C. seeking quashing of FIR No.5 dated 23.7.2014, registered against the petitioner under section 420 IPC at Police Station NRI, District Ludhiana alongwith order dated 2.3.2015, whereby petitioner was declared a proclaimed offender.

Learned counsel for the petitioner submits that a perusal of the FIR in question reveals that no allegation is there against the petitioner. Moreover, petitioner as well as respondent No.2 are residing in Canada, therefore, no cause of action has arisen in India. FIR against the petitioner is an abuse of process of law. Thus, same deserves to be quashed.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

FIR was registered on the complaint of Ramanjit Kaur respondent No.2, who is wife of the petitioner. It is alleged therein that

petitioner married her at village Bhamipura Kalan, Tehsil Jagraon, District Ludhiana and a male child namely Prabnoor was born out of the wedlock on 02.11.2008. Prior to marriage, respondent No.2 had been residing in Canada and after marriage, petitioner also migrated to Canada. Both of them started living there together. However, after birth of child, differences arose between the parties, as respondent no.2 did not accede to the request of petitioner to get the child aborted. Thereafter, parties started living separately in Canada. Petitioner did not take care of his wife i.e. respondent No.2 as well as the minor child. Allegation is that petitioner only used the marriage ceremony to get citizenship of Canada and he has committed an act of cheating and fraud. It appears, after registration of the FIR, warrants of arrest were issued against the petitioner repeatedly. Ultimately he was declared a proclaimed offender by the court on 2.3.2015.

I am of the considered view that all the pleas of the petitioner can be considered only after evidence is led before the trial court. It is not possible for this court at this stage to arrive at a conclusion that offence as alleged in the FIR, is not made out. It is also not possible for this court to conclude at this stage that the petitioner has been falsely implicated in the case. No case for interference in inherent jurisdiction of this court is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

January 21, 2016
'Rajpal'