

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 6324 of 2009 (O&M)

Date of decision: 12.02.2016

Jaspal Kaur and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.K.S.Chahal, Advocate for the petitioner
Mr.A.P.S.Gill, AAG Punjab
Mr.J.P.Rana, Advocate for the respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Balwant Singh – respondent No.2/ complainant who is father-in-law of Jaspal Kaur petitioner/ accused filed a complaint before the Magistrate under Section 109, 114, 198, 200, 209, 420, 494, 495, 496 IPC and Section 120-B IPC on the allegations that Jaspal Kaur was already married at the time of her marriage with Avtar Singh deceased.

The undisputed facts are that marriage between Jaspal Kaur and Avtar Singh son of the complainant took place on 25.2.2000. Avtar Singh who was in army died on 15.8.2005. During his lifetime he did not make any complaint against his wife. After his death, father-in-law had filed a complaint on 6.3.2006.

The short question posed before this Court is as to whether father-in-law can maintain complaint under Section 494 read with Section 120-B IPC. Reply is to be found in Section 198 Cr.P.C. There, regarding the offences relating to the marriage, it has been laid down that complaint has to be made by some person aggrieved by the offences. The persons so aggrieved are mentioned in the said section. Admittedly, father-in-law is not one of the persons aggrieved of the offences.

It being so, the complaint made by father-in-law relating to matrimonial offence is not maintainable.

Accordingly, the complaint dated 6.3.2006 along with the consequential proceedings stands quashed.

The petition stands allowed.

12.02.2016
gk

(Kuldip Singh)
Judge