

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

Crl. Misc. No.M-36117 of 2016(O&M)

Date of decision : 09.11.2016

Jaskirat Kaur

.....Petitioner(s)

Versus

U.T. Chandigarh and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S. Narang, Advocate
for the petitioner.

Mr. A.S. Virk, A.P.P. UT Chandigarh.

Mr. K.S. Khehar, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 22.09.2016 (Annexure P-6) passed by the Addl. Sessions Judge, Chandigarh and order dated 16.06.2016 (Annexure P-6) passed by the JMIC, Chandigarh, vide which respondent no.2 has been permitted to go abroad. The Court below has also ordered the release of the passport.

Rejoinder to the reply has been filed by the petitioner, which is taken on record. Copy supplied to the opposite side.

It is necessary to notice the backdrop. A complaint was given to the police which led to the registration of an FIR on 04.11.2015. Jaskirat

Kaur (petitioner) was married to Jitwar Singh in June, 2015. The FIR was lodged within five months of the marriage. Challan has not been presented yet. A look out notice was issued and the mother-in-law (respondent no.2) was detained at the airport, she was subsequently released on bail. The father-in-law had sought permission to go abroad. The father-in-law was permitted to go abroad subject to certain conditions i.e. deposit of Rs.2 lacs by way of FDR. That was allowed by the trial Court. That order has not been assailed. The mother-in-law approached the Court below with a prayer for release of her passport and permission to go abroad. The trial Court permitted the mother-in-law to go abroad subject to her depositing Rs.5 lac. That amount has been deposited. That order was challenged in Revision, both by the State as well as by the complainant. The revision has been dismissed.

The counsel for the petitioner claims that the respondent no.2 would not return back and considering their past conduct they should not be allowed to go abroad. It was urged that a quashing petition was filed and the matter was sent for mediation and the mediation was continuing when the in-laws made a statement that they were not interested in mediation. It was urged that the husband had filed a nullity proceedings in United Kingdom which had become final and the husband is still abroad. It was urged that no document had been placed on record to show that there were medical issues or that it was necessary for her to go abroad and the trial Court had permitted without satisfying itself about the necessity to go abroad. Counsel for the petitioner has also referred to the e-mails exchanged between the parties.

The counsel for respondent no.2 has urged that respondent no.2 was detained at the airport and subsequently released on bail. They have appended the details of treatment and medicines she was taking and the police had provided her with her medicines at the airport and they have also deposited Rs.5 lacs and have given an undertaking that she would come back by 06.12.2016 and challan has not been presented and there is no intention to flee and she has certain responsibilities to take care of. It was urged that a petition for nullity of the marriage had been filed in United Kingdom and notice of it was given to the complainant and wrong fact had been stated that the order had been obtained at the back of the petitioner.

Respondent no.2 had filed an application for going abroad and for release of her passport. Investigations are still going on and challan has not been presented. Respondent no.2 has been permitted to go abroad for a limited period. Her passport had been released but is presently with the Investigating Officer. The father-in-law has already been permitted to go abroad. Notice of that application was given to the complainant but they chose not to appear or file their reply. That order was not challenged. He is also to return by 06.12.2016. The in-laws of the petitioner including the husband are residents of United Kingdom. Permission had been granted to respondent no.2 to travel from October, 2016 but because of these proceedings, her departure has been delayed. Respondent no.2 has already deposited a sum of Rs.5 lacs as security. She has undertaken to return before the next date of hearing. I see no illegality in the orders passed by the Courts below. The Investigating Officer would release the passport immediately to respondent no.2. A copy of the passport would be kept on

the records of the trial Court.

The petition is dismissed.

09.11.2016

(ANITA CHAUDHRY)
JUDGE

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No