

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

CRM-M No .40812 of 2013

Date of Decision: 18.01.2016

Kuljit Saini

...Petitioner

Versus

State of Union Territory, Chandigarh

...Respondent

CORAM :- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present: - Mr. Daljeet Singh Kahlon, Advocate
for the petitioner

Mr. J.S. Toor, Addl. P.P. UT, Chandigarh.

HARI PAL VERMA, J (ORAL)

Prayer in the instant petition filed under section 482 Cr.P.C. is for quashing of FIR No. 0189 dated 07.10.2013 for offence under sections 193, 199 and 420 of Indian Penal Code, 1860 registered at Police Station Section North, Sector-3, Chandigarh (Annexure P-1) and all other consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that offence under sections 193 and 199 of IPC are non cognizable in which complaint is only maintainable and the offence under section 420 IPC is not made out against the petitioner, as no one has been cheated by him. He further submits that pursuant to the order dated 10.10.2013 passed in CRM-M-30345 of 2013 titled as Mamta and another vs. State of Punjab and others, for the same offence, this

Court has also filed a complaint against the petitioner under Section 193 IPC before the Court of Judicial Magistrate 1st Class, Chandigarh. Hence under such circumstances, FIR is liable to be quashed.

Learned APP appearing for UT Chandigarh does not controvert the above facts and submits that though FIR as well as complaint has been filed for the same offence, under such circumstances, these can be tried together by the Magistrate in term of Section 210 Cr.P.C.

I have heard learned counsel for the parties and perused the record.

FIR No. 0189 dated 07.10.2013 was registered against the petitioner on account of perjury committed by the petitioner. In para no. 8 of petition bearing CRM-M-30345 of 2013, seeking protection for life and liberty, petitioner specifically stated that both the petitioners are major and not married earlier. However, in the reply filed by the respondents No. 4 to 8 in that petition, it was found that petitioner No.2-Kuljit Saini (petitioner herein) was already married earlier. Accordingly this court vide order dated 07.10.2013 directed the SHO, Police Station Sector 3, to take the petitioner in custody, upon which FIR was registered.

In view of the above, trial Court is directed to club the trial of FIR No. 0189 dated 07.10.2013 u/s 193, 199, 420 of IPC with the complaint filed by this Court against the petitioner u/s 193 IPC.

With the above directions, the present petition stands disposed of.

January 18, 2016
ANJAL

(HARI PAL VERMA)
JUDGE