

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

**Crl. Misc. No. M-38485 of 2014 (O&M)
Date of decision : 02.09.2016**

Surjit Singh & Anr.

... Petitioners

versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

- 1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No**
- 2. To be referred to the Reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the digest? Yes/No**

**Argued by: Mr. Ajay Pal Singh, Advocate
for the petitioners.**

Mr. J.S. Bhullar, AAG Punjab.

None for respondent No.2.

ANITA CHAUDHRY, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 54 dated 12.06.2014, registered under Sections 376 read with Section 34 IPC and Sections 67/67-A of the Information Technology Act, Police Station Longowal, District Sangrur and the subsequent proceedings.

It is necessary to notice the allegations levelled in the FIR.

The victim, an unmarried girl, lodged a complaint against Sikander. She knew him for the past few years. On 10.11.2013, her family

had hired a vehicle as she was to be engaged. The vehicle was driven by Amrik Singh. Sikander Singh called up the driver and abused him and threatened the complainant's family on phone. On the next day after taking the address from the driver, Sikander called up the mediator and used filthy language and due to this, her engagement broke. Allegations were made that Sikander used to threaten her continuously. The allegations are that in March 2013 Sikander returned from Australia and pressurized her to leave the job and returned to Australia and left her with his parents and promised to marry her and assured that he would take a divorce.

Learned counsel for the petitioner had urged that the complainant was a friend of Sikander's wife and some amount was lent to her and when she failed to return, a complaint under the Negotiable Instruments Act was filed and the present complaint was filed after notice had been served and the trial had ended in the conviction of the complainant and there are no allegation in the FIR against them.

The police in its investigation had found that the complainant and Sikander were in relationship. The complainant was aware that Sikander was married. The allegations against the parents were that they had assured that their son would marry her.

The State in its reply had pleaded that Sikander could not be arrested but challan against Surjit Singh and Ajmer Kaur had been prepared, but since the filing of challan had been stayed, therefore, same could not be filed.

I have heard learned counsel for the petitioners and learned State counsel and have perused the paper-book.

There is no allegation against the petitioner. The only allegation that appeared in the enquiry was that they had assured the complainant that their son would marry the complainant. It appears that the allegation has been levelled against the petitioners only to pressurize Sikander to come back. Sikander is married and is abroad.

In the case of **State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors. 1991(1) RCR (Crl.) 383 (SC)**, the Hon'ble Supreme Court had observed that where the proceeding is instituted with an ulterior motive or where the allegations made in the complaint are absurd and improbable, the Court would be within its power to quash the complaint/ FIR.

In the considered opinion of this Court, the allegations made in the complaint are absurd and improbable and warrants interference by this Court, in exercise of powers under Section 482 Cr.P.C.

In view of the discussion made above, the instant petition is allowed. The impugned FIR and consequent proceedings taken therein, against the petitioners, are quashed.

02.09.2016
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(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No