

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

127

CRM-M-39944-2016 (O&M).
Decided on: November 9, 2016.

Tarsem Singh

.. Petitioner(s)

VERSUS

State of Punjab and another

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

* * *

PRESENT Mr.Vikas Singh, Advocate, for the petitioner.

M.M.S. BEDI, J. (ORAL)

This a petition for quashing of FIR which was registered on 7.10.2016 on the complaint of Sukhpal Kaur wife of petitioner alleging that she was induced fraudulently to make a statement in proceedings under Section 13-B of the Hindu Marriage Act.

Counsel for the petitioner submits that the complainant had not made any effort to get the order of divorce set aside by filing any petition.

I have considered the contention of learned counsel for the petitioner and I am of the opinion that the FIR has been registered only on 7.10.2016. The matter is expected to be carefully investigated by the investigating officer by taking into consideration all the circumstances including the judicial orders passed. It will not be appropriate for this Court, at this stage, to form an opinion regarding the culpability of the petitioner or the truthfulness of the allegations levelled by the complainant.

Since the prosecution agency has not opted to present challan against the petitioner, this petition is disposed of as pre-mature without prejudice to the right of the petitioner to file a fresh petition in case the prosecution agency opts to present challan against the petitioner and without prejudice to his right to protect his liberty by availing the remedy under Section 438 Cr.P.C. before the appropriate forum.

(M.M.S. BEDI)
JUDGE

November 9, 2016.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No