IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-806 of 2015 (O&M)
Date of decision: April 12, 2016

Parminder Kaur Gill ...Petitioner

Versus

State of Punjab & another ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Pawan Kumar, Senior Advocate with
Mr. Abhimanyu Batra, Advocate for respondent No.2.
Mr. Sumeet Goel, Advocate for CBI.

Rajan Gupta, J.(oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.148 dated 14.09.2011, registered against the petitioner under sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Sadar, Ludhiana as well as order dated 6.1.2014, whereby petitioner was declared proclaimed offender.

Mr. Aggarwal, learned counsel for the petitioner has submitted that there is no specific allegation against the petitioner in the entire FIR. Proclamation order deserves to be quashed as petitioner was abroad and no proper proclamation was made. He also prayed that interim protection be granted to the petitioner to enable him to appear before the trial court.

Prayer has been opposed by the State counsel. He submits

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that petitioner has been found to have connived with rest of the accused. She has consistently defied the process of law and was declared a proclaimed offender on 06.01.2014. According to him, she is not entitled to quashing of the FIR or the PO order.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that complainant submitted an application to Director General of Police, Punjab against Malkiat Singh, Ranjit Kaur Brar, Paramjit Kaur @ Angrej Kaur as well as the petitioner. He stated that accused Ranjit Kaur Brar and Paramjit Kaur @ Angrej Kaur approached him representing themselves to be owners of total land measuring 18 Acres. Malkiat Singh represented himself to be power of attorney holder of Paramjit Kaur. He informed that he also has power of attorney on behalf of Ranjit Kaur Brar and Parminder Kaur Gill (petitioner herein). Malkiat Singh entered into an agreement to sell dated 2.9.2005 with respondent No.2 as power of attorney of petitioner Parminder Kaur Gill and Ranjit Kaur. The land was to be sold for total consideration of Rs.6,51,00,000/-. On assurance given by the accused, respondent No.2 paid various amounts on various dates. A total amount of Rs.1,11,00,000/- were paid to the accused. As respondent No.2 asked the accused to execute the sale deed, they disclosed that a court case was pending regarding the land in question. Respondent No.2, thus, demanded his money back, but he was informed that same has been distributed amongst all the accused. At that time, respondent No.2 came to know that he had been cheated by the petitioner and other accused.

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They had already entered into an agreement to sell dated 24.6.2003 with Gurdeep Singh and Harjinder Singh and accused Malkiat Singh was attesting witness to said agreement. In this manner, petitioner and other accused, who are closely related to each other and cheated the complainant and also prepared forged documents. An enquiry was conducted by Addl. Director General of Police, Crime, Punjab and FIR was thereafter registered. Petitioner and accused Malkiat Singh could not be arrested. They were declared proclaimed offenders vide order dated 06.01.2014.

From the allegations levelled in the FIR, it is clear that allegation is that the amount given by the complainant was distributed amongst all the accused. In view of nature of allegations, I am of the considered view that no case for interference in inherent jurisdiction of this court is made out. The plea that proper proclamation was not effected, is without any merit. The petitioner being aware of the proceedings pending against her could have submitted to the process of law and face the proceedings. Only plea raised by counsel for the petitioner is that proclamation was effected at a wrong place and petitioner is living abroad. He has, however, not been able to point out the process, that should have been adopted for effecting the service on the petitioner while she was abroad. On the other hand, he has prayed for interim protection to enable the petitioner to appear before the trial court at this stage. This plea is rejected in view of judgment of the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma, 2014 R.C.R. (Criminal) 269***.

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The directions given to the police in the connected petition i.e. CRM-M-18651 of 2014, for producing the accused before the court concerned, shall be applicable to this case as well. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 12, 2016
'Rajpal'

Whether to be referred to reporter? Yes / No

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