

Crl. Misc. No.M-9975 of 2016

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

Crl. Misc. No.M-9975 of 2016
Date of Decision: 25.05.2016

Satnam Singh Sidhu and othersPetitioners

Versus

State of Punjab and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Vivek Goel, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Nitin Rampal, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed by petitioners, namely, Satnam Singh Sidhu, Manjeet Kaur Sidhu and Mandeep Kaur, who are the family members of husband of grand daughter of respondent No.2.

Grand daughter of respondent No.2 was married with Hardeep Singh on 07.03.2010. Thereafter, a dispute arose between the parties and certain allegations of demand of dowry were levelled against husband and his other family members by grand daughter of respondent

No.2. ***Criminal Misc. No.M-11334 of 2016*** has been filed by Hardeep Singh Dhaliwal-husband of Kirandeep Kaur. Petitioner no.1 is the maternal uncle (mama), petitioner No.2 is the maternal aunt (mami) of husband-Hardeep Singh and petitioner No.3 is the sister-in-law of Kirandeep Kaur. Hardeep Singh and Kirandeep Kaur went to Canada after marriage and on the basis of complaint made by respondent No.2-Balwinder Singh, the grand father of Kirandeep Kaur, said FIR was registered against Hardeep Singh and his other family members.

However, during pendency of the proceedings, a compromise was arrived at between the parties. A divorce petition was also filed by Hardeep Singh and his wife Kirandeep Kaur and the marriage was dissolved by way of decree of divorce. Petitioners, being residents of Canada, could not appear before the trial Court and they were declared as proclaimed offenders. Subsequently, because of compromise, an affidavit was given by respondent No.2, stating therein, that he had no objection in quashing of FIR as well as other proceedings arising therefrom. Thereafter, the present petition has been filed for quashing of FIR as well as other proceedings arising therefrom, stating therein. Co-accused of the petitioners have been acquitted of the charge by the trial Court vide its judgment dated 26.11.2013.

Notice of motion in the case was issued on 21.03.2016. The petitioners were directed to surrender before the trial Court and they were released on interim bail to the satisfaction of trial Court. Thereafter, the statements of the parties were recorded in the petition filed by Hardeep Singh, wherein, the factum of compromise has been affirmed.

Learned counsel for the petitioners as well as learned counsel

for respondent No.2 have not disputed the factum of compromise. Co-accused, namely, Hardev Singh, Kulwinder Kaur and Gurdev Singh were acquitted by Judicial Magistrate Ist Class, Ferozepur. The present petitioners and co-accused Hardeep Singh were declared proclaimed offenders and thereafter, all the accused surrendered before the trial Court and were released on interim bail. On the basis of statements of the parties, the FIR qua petitioner-Hardeep Singh was quashed in ***Criminal Misc. No.M-11334 of 2016***. The case of the present petitioners is also at par with case of co-accused Hardeep Singh. A compromise has been effected with respondent No.2 qua present petitioners and co-accused Hardeep Singh. Otherwise also, the parties were residing in Canada as is clear from the allegations levelled in the FIR. Moreover, the offence was also committed in Canada and the trial Court had no jurisdiction to try the offence.

The case of the present petitioners is squarely covered by judgment of Hon'ble the Apex Court in case titled as ***Harmanpreet Singh Ahluwalia and others vs State of Punjab 2009(2) RCR (Criminal) 956*** and it was held that as larger part of the offence was committed in Canada and the FIR under Sections 406/420 IPC was lodged at Jalandhar and the FIR was quashed inter alia on the ground of jurisdiction.

Moreover, the petitioners were declared as proclaimed offenders and three co-accused, namely, Hardev Singh, Kulwinder Kaur and Gurdev Singh were already acquitted by the trial Court.

In the present case, not only on merits but also on the basis of compromise, the FIR is liable to be quashed.

The case of the present petitioners is at par with case of Hardeep Singh and in that case also, the compromise has been arrived at

and the FIR qua him has been quashed, as mentioned above.

Accordingly, the present petition is allowed. FIR No.35 dated 18.03.2011 registered under Sections 498-A and 120-B IPC at Police Station Ghall Khurd, District Ferozepur along with all subsequent proceedings arising therefrom qua petitioners, namely, Satnam Singh Sidhu, Manjeet Kaur Sidhu and Mandeep Kaur, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE