

239-A

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

CRM-M-14477 of 2013 (O&M)

Date of decision: February 17, 2017

Kuldeep Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Abhishek Chautala, AAG Punjab.

Mr. H.S. Baath, Advocate for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties at length.

This is a petition by the petitioner, namely Kuldeep Kaur, seeking quashing of FIR No.41 dated 23.04.2012, under Sections 420, 120-B of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Chohla Sahib, District Tarn Taran.

In respect of the petition, learned counsel for the petitioner, vehemently argued that the bare reading of the FIR does not show that any offence alleged against the petitioner could be said to have been made out. He, therefore, submitted that the reading of the FIR itself shows that there was a matrimonial tie and consideration was for taking the complainant to Australia as allegedly promised by the petitioner. This is at the most, breach of contract even if the allegations are taken at their face value and therefore, the FIR in question deserves

to be quashed.

Per contra, learned State counsel as well as learned counsel for respondent No.2 opposed the petition and submitted that the complainant was cheated by the petitioner in as much as the complainant paid ₹12,40,000/- for fees of the petitioner and ultimately, he found that he was cheated by her. He, then prayed for dismissal of the petition.

I have gone through the entire FIR carefully. Following is the relevant portion from the FIR which is required to be quoted for the purposes of finding out the complicity of the petitioner:-

“xxxx. During inquiry, it is found that the allegations leveled by the applicant Pargat Singh s/o Jagtar Singh resident of Lohar against Kuldeep Kaur wife of Pargat Singh, Simranjit Kaur wife of Dilbagh Singh, Gurpartap Singh s/o Dilbagh Singh resident of Chamba Khurd, Sukhram Singh resident of Verowal, Amandeep Kaur d/o Sukhram Singh resident of Verowal that the applicant has got done IELTS Course in the year 2009 at his own expenses and after the IELTS Course performed marriage with Kuldeep Kaur and all the expenses of marriage were also borne by Pargat Singh and from getting the passport issued till going to Australia the total expenses of Rs.10 lakhs and fees of semester were also borne by the applicant and expenses of taking Kuldeep Kaur to Australia and education expenses were Rs.12,40,000/-. That all these expenses were incurred by Pargat Singh and his family by mortgaging the 3 acres of land, by selling their gold and by borrowing the money from commission agents on interest and also by borrowing money from the relatives but

Kuldeep Kaur on reaching Australia after remained together for 11 months got cancelled the visa of Pargat Singh and Pargat Singh was deported by the Australian Govt. during inquiry it has come into light that Kuldeep Kaur has duped Pargat Singh of Rs.12,40,000/- for going to Australia and now she is not ready to live with Pargat Singh. That Kuldeep Kaur in connivance with her family members has committed fraud with Pargat Singh and thus, it is recommended to register the case as per the sections of IPC against Kuldeep Kaur and her family members. xxxx.”

From the perusal of the above complaint made to the police station, on the basis of which FIR in question is registered, it is absolutely clear that specific allegations have been made against the petitioner and a prima-facie, case against the petitioner has been made out. After preliminary investigation was carried out by the concerned police officer, the FIR makes out offence alleged against the petitioner. There is no substance in the present petition.

Hence, this petition is dismissed.

(A.B. CHAUDHARI)
JUDGE

February 17, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No