

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-17466 of 2016

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Date of decision:1.5.2017

Inderjit Kaur

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Karambir Singh Chawla, Advocate for the petitioner.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Rajvir Singh, Advocate for Mr. Monty Goyal, Advocate
for respondent No.5.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.134 dated 23.6.2015 (Annexure-P.9) for offences under Sections 420 and 467 IPC at Police Station Machhiwara, District Ludhiana, maliciously got registered against the widow, Govt. teacher-petitioner by her father-in-law-complainant Maan Singh-respondent No.5 in respect of wrongly registered birth of petitioner's adopted son (Annexure-P.12) which birth has actually been by mistake got wrongly registered by an almost illiterate, legally ineligible applicant-Hoshiar Singh, when there is no offence or criminal intention on the part of the petitioner and for quashing of the unfair challan (Annexure-P.27) and all consequential proceedings

pending against the petitioner.

Notice of motion was issued in this case.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Rajvir Singh, learned Advocate for Mr. Monty Goyal, Advocate has appeared for respondent No.5 and contested this petition. Replies have also been filed on behalf of the respondents

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

It has been argued that the FIR has been got registered by the father-in-law of the petitioner maliciously and no offence is made out. It has been argued that the petitioner is innocent and the FIR is an abuse of the process of law and should be quashed. A perusal of the FIR shows that a complaint was filed by Maan Singh-complainant against Inderjit Kaur his daughter-in-law for the purpose of harassing the complainant and for illegally grabbing the land of his son Rajinder Singh in wrong manner by making wrong birth certificate of some child, namely, Raj Kanwardeep Singh, by stating him to be the child of herself and Rajinder Singh and has done cheating with the complainant and the general public and has done the manipulation in Government record by making fake document.

A perusal of the FIR shows that son of the complainant, namely, Rajinder Singh died on 16.6.2014. The present petitioner was the wife of Rajinder Singh. As per the allegations, a birth certificate of Raj Kanwardeep Singh was prepared, showing the date of birth of the child as

22.7.2014 and entering the name of the father of the child as Rajinder Singh and the name of grand-father has been shown as Maan Singh. The petitioner has got done this registration on 1.8.2014. Rajinder Singh had no child ever and the present petitioner got prepared wrong record regarding Raj Kanwardeep Singh in order to take the benefit of Rajinder Singh's land.

At the time of arguments, it has been admitted that during the life time of Rajinder Singh, no child was born. It is also admitted fact that this child Raj Kanwardeep Singh was not born from the loin of Rajinder Singh and Inderjit Kaur-petitioner. There is also no dispute that the birth certificate of the child Raj Kanwardeep Singh showing Rajinder Singh his father and Inderjit Kaur his mother has been prepared. The fact that it was got prepared inadvertently by illiterate person Hoshiar Singh and there was no criminal intention in preparing this is a finding of fact which is to be given by the trial Court.

The learned State counsel as well as counsel for the private respondent argued that this document has been prepared to take the benefit from the property of Maan Singh as well as Rajinder Singh.

At this stage, in no way, it can be held that the FIR has been filed with mala fide intention nor, at this stage, it can be held without evidence that the present petitioner is innocent nor from the perusal of the FIR, it can be held that no offence is made out. A false document has been prepared showing the present petitioner as mother of the child and Rajinder Singh (since deceased) as father of the child. All these facts are to be determined by the trial Court after appreciating the evidence which the

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parties is yet to produce before it.

Therefore, at this stage, it cannot be held that the registration of the FIR is an abuse of the process of law or it amounts to miscarriage of justice. Hence, finding no merit in this petition, the same is dismissed.

May1, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No