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

**CRM-M-21786 of 2012**

**Date of decision: February 17, 2017**

Simranjit Kaur and others

.....Petitioners

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.

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**A.B. CHAUDHARI, J (Oral)**

Heard learned counsel for the rival parties at length.

This is a petition by the petitioners numbering four by name, Simranjit Kaur, Gurpreet Singh, Sukhram Singh and Amandeep 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 petitioners, submitted that a bare reading of the FIR clearly shows that the petitioners have not been named anywhere in the FIR in so far as the complicity is concerned. It will be seen from the FIR that the names of the petitioners only have been mentioned in the beginning and thereafter, there is no allegation against them. He, therefore, prayed for quashment of the FIR and consequent proceedings.

Per contra, learned State counsel and learned counsel for respondent No.2 opposed the petition and submitted that there is, prima-facie, case made out and the FIR in question cannot be quashed as claimed by the petitioners. He, therefore, prayed for dismissal of the petition.

I have gone through the FIR in this case. It will be appropriate to reproduce the entire FIR for appreciating the contentions raised by the parties. I quote the same as under:-

“To the S.S.P., Tarn Taran, Subject: Application for taking legal action against 1) Kuldeep Kaur w/o Pargat Singh Caste Jat, Village Lohar, Tehsil Khadoor Sahib, District Tarn Taran 2) Simranjit Kaur w/o Iqbal Singh Village Chamba Khurd, Tehsil Khadoor Sahib, 3) Gurpratap Singh s/o Iqbal Singh Village Chamba Khurd, Tehsil Khadoor Sahib, 4) Sukhram Singh resident of Village Variowal, Tehsil Khadoor Sahib, District Tarn Taran, 5) Amandeep Kaur d/o Sukhram Singh Village Variowal, Tehsil Khadoor Sahib, District Tarn Taran. Sir, it is prayed that I Pargat Singh s/o S. Jagtar Singh Caste Jat, is resident of Village Lohar, Tehsil Khadoor Sahib, District Tarn Taran and submits as under; That I was introduced to above said Kuldeep Kaur by my maternal uncle's family. I got her admitted in IELTS in the year 2009 at my own expenses and after completing the IELTS I was got married with abovesaid Kuldeep Kaur and thereafter I on my own expenses took Kuldeep Kaur to Australia on study basis. I spent around 10 lacs in getting her done IELTS, passport and taking her to Australia. Thereafter in Australia the fees of one semester which was Rs.2,40,000/- was also spent by me. Thus the total expenses comes out to be about

Rs.12,40,000/- which was spent by me. After spending about 11 months abroad, the above said Kuldeep Kaur got my visa cancelled. Now its about 16 months I came back to my home. The abovesaid Kuldeep Kaur is presently residing at Brisbane, Queensland, Australia at House No.31/B, Orange Street, Australia and have cheated me. Thus it is prayed that strict action may be taken against above said Kuldeep Kaur and her family members and justice may be done with me.”

It is clear from the reading of the FIR that in the beginning, petitioners have been named. However, in so far as the allegations are concerned, respondent No.2-complainant has not made a single allegation against the petitioners except saying that the action may be taken against Kuldeep Kaur and her family members. The petition bearing CRM-M-14477 of 2013 filed by Kuldeep Kaur has been dismissed by me. But in so far as the petitioners are concerned, in the absence of any allegation, even remotely, I do not think the FIR in question can be retained and the same will have to be quashed.

Hence, CRM-M-21786 of 2012 is allowed. FIR No.41 dated 23.04.2012, under Sections 420, 120-B IPC, registered at Police Station Chohla Sahib, District Tarn Taran along with consequent proceedings, stands quashed qua petitioners only.

**(A.B. CHAUDHARI)**  
**JUDGE**

**February 17, 2017**

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No