

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

CRM No.M-21335 of 2013 (O&M)

Date of Decision: May 09, 2017

Sukhwant Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Paramjeet Kaur Deol, Advocate,
for the petitioner.

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

Mr.R.S.Bajaj, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Surender Singh for quashing the FIR No.75 dated 24.04.2013 under Sections 420, 465, 468, 471, 120-B and Section 12 of the Passport Act, registered at Police Station Division No.4, District Jalandhar and for staying the subsequent proceedings arising out of the FIR.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that FIR has been registered on the basis of application given by Surender Singh complainant. As per the allegations in the FIR, Didar Singh is the real maternal uncle of Baljinder Pal Singh and Ajit Kaur Lalia is his maternal aunt and wife of Didar Singh. Sukhwant Kaur is mother of Baljinder Pal Singh and real sister of Didar Singh and Ajit Kaur Lalia is sister-in-law of Sukhwant Kaur. Sukhjinder Pal Singh and Varinder Pal Singh are real brothers of Baljinder Pal Singh. Ajit Kaur Lalia got one passport issued from the passport office Jalandhar by mis-stating her age and affixing the photograph of Sukhwant Kaur in her place and also got one ration card issued by stating wrong address, whereas correct date of birth of Ajit Kaur Lalia as per the record of Government Senior Secondary School is 15.03.1950 but in her passport, her date of birth has been mentioned as 02.03.1951. She also attached forged documents. On the basis of these documents and passport, Sukhwant Kaur and Didar Singh have been visiting Canada and America from last 3-4 years as husband and wife, whereas Sukhwant Kaur is the real sister of Didar Singh. It is also in the FIR that entire family keeps on visiting foreign country and sending people abroad on the basis of forged documents in the area of Begowal Bholath.

The perusal of the FIR, in no way, shows that no offence is made out. After the completion of the investigation, challan has already been presented but as argued, charges have not been framed.

At the time of arguments, learned counsel for the petitioner argued that accused cannot be tried second time and it amounts to double jeopardy. She further argued that no offence under Sections 420 and 465

Act. Learned counsel for the petitioner relied upon Annexure P-3, which is a show cause notice and in this notice, Sukhwant Kaur was asked to show cause as to why her passport should not be impounded or revoked by their office and asked her to surrender the passport.

Mere issuance of show cause notice for surrendering or impounding the passport, cannot be held as punishment or amounting to double jeopardy. Nothing has been shown that any criminal proceedings were launched under the Passport Act etc. or the petitioner has been held guilty etc. In the present case, there are also allegations that present petitioner has also forged ration card etc. At this stage, it cannot be held that the registration of the FIR against the present petitioner amounts to abuse of process of law or amounts to miscarriage of justice. No ground is made out for quashing the FIR.

Therefore, finding no merit in the present petition, the same is dismissed.

May 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No