

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

**CRM-M No.35385 of 2015
Date of Decision: 06.04.2017**

Jaswant Singh

.....Petitioner

Vs

State of Punjab

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner has filed the present petition under Section 482 Cr.P.C., for quashing the FIR No.27 dated 01.05.2012 registered under Sections 406/420 IPC at Police Station Women Cell, District Jalandhar.

[2]. Brief facts are that the FIR was registered by the complainant-Manpreet Kaur D/o Santokh Singh against the petitioner, his brother Kulwant Singh Ghuman, his father Kartar Singh Ghuman, his mother Surinder Kaur and his sister-in-law Rajwant Kaur wife of Kulwant Singh Ghuman. It was alleged by the complainant that she was married to the petitioner on

24.03.2010 according to Sikh Rites and Ceremonies. 15 days prior to the marriage both the parties along with their parents met each other at *Haveli* in order to make things settled. Marriage was solemnized on 24.03.2010. Both the parties cohabited with each other. No child was born out of this wedlock. Complainant alleged that at the time of marriage, father of the complainant namely Santokh Singh spent an amount of Rs.10 lacs on the marriage and also gave 30 *tolas* of gold. Father of the complainant also gave other ornaments and valuable items to the accused persons.

[3]. Complainant also alleged that soon after the marriage accused started maltreating her on account of bringing less dowry. The petitioner started pressurizing her to take him to Canada immediately. Complainant told the petitioner that he can go to Canada only after proper documentation and for that purpose, she would have to go first to Canada. The complainant left for Canada and came back to India in August 2010 and faced the same maltreatment at the hands of the accused persons. The accused were insisting that she should take the petitioner to Canada immediately.

[4]. Complainant further alleged that the petitioner started demanding Rs.2 lacs from the complainant toward his own needs and started torturing her. Ultimately, petitioner was taken

to Canada by the complainant. The behaviour of the petitioner did not normalize towards the complainant. The complainant came back to India in September 2011, but she was not allowed to enter into the matrimonial house. She kept on living in parental house as a destitute lady. FIR was registered on the aforesaid background.

[5]. Apparently, the petitioner and the complainant went to Canada in December 2010 and they started living there as husband and wife. The version of the petitioner appears to be otherwise in the context of his being compelled by the complainant for selling his share of the property in India on the pretext of opening a hotel in Canada. On showing his inability, he was subjected to cruelty and matrimonial differences took place between them in Canada.

[6]. Thereafter complainant came to India and falsely roped the petitioner and all the family members in a false case. Learned counsel contended that after going to Canada, no cause of action took place in India and the Police and Indian courts have no jurisdiction to investigate the offence, subject matter of which had the origin in Canada. Since FIR was registered against the petitioner and his family members, therefore, Kulwant Singh Ghuman brother of the petitioner filed CRM-M No.34290 of 2012 before this Court for quashing of the

FIR. Vide order dated 10.10.2013, the FIR in question was ordered to be quashed by this Court.

[7]. The complainant had already died. This fact was noticed in the order dated 10.10.2013 passed by this Court while quashing the FIR at the instance of brother of the petitioner. Operative part of the said order is reproduced hereasunder:-

“In the present case, Manpreet Kaur-respondent No. 2 had come from Canada for marriage purposes. After her marriage on 24.3.2010, she left for Canada. Complainant again returned to India in August 2010 and left with her husband for Canada in December 2010. The FIR in question was registered in May 2012. It appears that Manpreet Kaur and her husband had some matrimonial discord in Canada which resulted in lodging of the FIR. In case, Manpreet Kaur had been harassed by the petitioner or the other accused while she was in India, there was no occasion for her to have taken Jaswant Singh Ghuman to Canada. Since Jaswant Singh Ghuman was taken to Canada by Manpreet Kaur in December 2010, it appears that till that time, there were no differences between the couple. It appears that in Canada some differences arose between the couple. Thus, cause of action, if any, can be said to have arisen in Canada. Petitioner is the brother of Jaswant Singh Ghuman husband of the complainant. It appears that he has been involved in this case on account of his relationship with Jaswant Singh Ghuman. In normal circumstances, when matrimonial discord occurs, the wife involves all the family members of her husband in litigation.

In these circumstances, continuation of criminal proceedings against the petitioner would be nothing but an abuse of process of law.”

[8]. In the light of order dated 10.10.2013 passed by this Court in the case of co-accused and coupled with the fact that the complainant-wife of the petitioner has already died, I deem it appropriate to quash the proceedings *qua* the petitioner as well, as continuation of the proceedings would be an abuse of process of law.

[9]. Accordingly, petition is allowed. FIR No.27 dated 01.05.2012 registered under Sections 406/420 IPC at Police Station Women Cell, District Jalandhar and all the consequent proceedings arising therefrom *qua* the petitioner are hereby quashed.

April 06, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No