

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

**CRM No.M-3767 of 2015 (O&M)
Date of Decision: May 09, 2017**

Sarabjit Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Suveer Sheokand, Advocate,
for the petitioners.

Mr.J.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.I.S.Parmar, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Avtar Singh for quashing the FIR No.205 dated 28.07.2013 under Sections 451, 323, 506, 148 and 149 IPC registered at Police Station Jodhewal, District Ludhiana and all other consequential proceedings arising therefrom.

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 after investigation, challan has already been presented and the trial Court has already framed the charges and the case is fixed for prosecution evidence, which means that trial Court

has already taken the cognizance and has found prima facie case against the

present petitioners. The perusal of the FIR, which is got recorded by respondent Avtar Singh shows that Sarabjit Kaur is his daughter-in-law. As per the allegations, Sarabjit Kaur along with other co-accused on 27.07.2013 at about 12 noon came to complainant's house and sat on the cot lying in the verandah. At that time, complainant and his neighbour Tej Singh were at home and at about 6.00 p.m., Gurmukh Singh, Mandeep Singh, Sandeep Kaur, who are brother-in-law and sister-in-law of complainant's son along with Baljit Kaur mother of Sarabjit Kaur and Kala entered through the main gate and came in the courtyard, with *danda* and *sotis/sticks* in their hands. All of them, just after entering, started bearing the complainant due to which he fell down and his turban also fell down. All of them continued beating him while he was lying on the ground. The complainant received injuries on both of his hands, nose, mouth and left eye.

From the perusal of the FIR, it cannot be held that it is only a matrimonial dispute and no offence is made out. As after the investigation, challan has already been presented and the trial Court has already framed the charges, it means that the trial Court has found *prima facie* case against the petitioners for framing the charges after perusing the record. In no way, the registration of the FIR can be held as abuse of process of law. 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