

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-42912-2016

Date of Decision: 14.03.2017

Kuldeep Kaur

.....Petitioner

vs.

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

Mr. Deepak Garg, A.A.G., Punjab.

Mr. Sharwan Sehgal, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No. 200 dated 08.10.2016, registered at Police Station Sahnewal, District Ludhiana, for the alleged commission of an offence punishable under Section 306 IPC is sought, qua the petitioner, who is admitted to be a 70 year old lady.

Learned State counsel as well as learned counsel for the complainant have filed their respective replies in Court today, which are taken on record. Copies thereof have been given to learned counsel for the petitioner.

The main crux of the FIR is that the deceased Krishanpal Singh entered into an agreement of sale of a house belonging to the petitioner and her sons. The agreement was stated to have been entered into by the petitioners' sons and a large part of the consideration is also stated to have

been received by them, as per the FIR itself. The deceased is also stated to have been allegedly put into possession of the suit property.

Eventually, the allegation is that despite the consideration having been paid, a sale deed was not executed in favour of the deceased by the sons of the petitioner, pursuant to the agreement dated 18.09.2013, a copy of which has been annexed as Annexure P-2 with the petition.

Learned counsel for the petitioner submits that the petitioner is an NRI living in the USA and though she is a co-owner of the suit property along with her sons, she is neither a signatory to the aforesaid agreement, nor is a witness thereto, nor involved in any transaction in connection with the said property. Hence, whatever be the grievances of the complainants qua the sons of the petitioner, there can be no grievance against her in any case.

Upon query to learned State counsel and counsel for the complainant, they do not deny the fact that the petitioner is a 70 year old lady and further, on specific query, it is admitted that she is neither a signatory nor a witness to any transaction in connection with the sale of the property to deceased Krishanpal Singh.

Yet further, on another query put to learned counsel for the complainant, he very fairly admits that no specific role has been attributed to the petitioner in the FIR, though as per a recording of a conversation between the deceased and a friend of his, the sons of the petitioner and their entire family were involved in harassing him, leading to his suicide. However, the petitioner was not named specifically in the recording.

On a query put to learned State counsel, he, on instructions from the police official who is present in Court to assist him, also admits

that there is no recording of any conversation between the petitioner and the deceased, nor any e-mail or letter etc. from the petitioner to the deceased, extending any kind of threat to him.

Keeping in view all the aforesaid circumstances, as also the fact that the petitioner is admitted to be a 70 year old lady, without making any comment on the allegations against those who allegedly entered into an agreement with deceased Krishanpal Singh, I see no reason as to why criminal proceedings should continue against the petitioner.

Accordingly, this petition is allowed and FIR No. 200 dated 08.10.2016, registered at Police Station Sahnewal, District Ludhiana, for the alleged commission of an offence punishable under Sections 306 of the IPC, is hereby quashed qua the petitioner, Kuldeep Kaur wife of late Sh. Parminder Singh.

(AMOL RATTAN SINGH)
JUDGE

March 14, 2017

nitin

Whether speaking/reasoned

Yes

Whether Reportable

Yes