

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-8360 of 2016
Date of Decision: 23.10.2017**

Reema RaniPetitioner

VERSUS

State of Punjab and othersRespondents

2. CRM-M-8361 of 2016

Reema RaniPetitioner

VERSUS

State of Punjab and othersRespondents

3. CRM-M-8362 of 2016

Reema RaniPetitioner

VERSUS

State of Punjab and othersRespondents

4. CRM-M-8363 of 2016

Reema RaniPetitioner

VERSUS

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amaninder Preet, Advocate
for the petitioner in all the petitions.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

SURINDER GUPTA, J.

The above-captioned petitions have been filed by Reema Rani under Section 340 read with Section 482 Cr.P.C. seeking action against respondent no. 5-Balbir Singh, PPS, Superintendent of Police, Head

Quarter, Faridkot for giving affidavit in this Court in CRM-M-40939, CRM-M-40941, CRM-M-40943 and CRM-M-40944 all of 2015 with incorrect averments.

Learned counsel for the petitioner submits that husband of petitioner was involved in false criminal cases by registering four FIRs against him within two days at the behest of local MLA due to political rivalry. The petitioner filed petition before this Court seeking transfer of investigation from the local police, which was allowed. During pendency of CRM-M-40939, CRM-M-40941, CRM-M-40943 and CRM-M-40944 of 2015, this Court directed the State to file status report vide order dated 03.12.2015. In response to order of this Court, respondent no. 5 filed affidavit dated 25.01.2016 in all the aforesaid petitions, wherein he had disclosed about ten other FIRs registered against the petitioner during the period 2011 to 2013 and the status of those FIRs. In some of the FIRs, proceedings against the petitioner were shown as pending while in fact he had been acquitted.

The details of FIR registered against husband of petitioner as mentioned in the affidavit filed by respondent no. 5, with plea about status of FIR as put-forth by learned counsel for petitioner is as follows:-

- (i) FIR No. 229 dated 30.10.2011 under Sections 325/324/148/149 IPC City Kotkapura. Presently case is under trial.

{Learned counsel for petitioner submits that husband of the petitioner had been acquitted in this case vide judgment dated 03.06.2015 (Annexure P-3)}.

- (ii) FIR No. 120 dated 04.06.2011 under Sections

452/387/389/506/148/149/120-B IPC City Kotkapura.

This case is under investigation.

{Learned counsel for petitioner submits that this FIR was quashed by this Court on the basis of compromise vide order dated 22.03.2013 (Annexure P-4)}.

(iii) FIR No. 127 dated 24.08.2008 under Sections 302/307/326/324/323/452/148/149 IPC, P.S. Jaitu. Accused acquitted vide judgment dated 27.03.2009.

(iv) FIR No. 19 dated 30.01.2008 under Sections 307/325/326/324/323/148/149 IPC, P.S. Sadar Faridkot. Accused acquitted vide judgment dated 25.09.2009.

(v) FIR No. 199 dated 13.08.2011 under Sections 307/325/323/148/149 IPC, P.S. City Kotkapura. Presently case is under trial.

(vi) FIR No. 206 dated 24.08.2011 under Sections 399/402 IPC, 25/54/59 Arms Act, P.S. City Kotkapura. Presently case is under trial.

{Learned counsel for petitioner does not object to status of above cases mentioned at serial no. (iii) to (vi)}.

(vii) FIR No. 256 dated 10.11.2011 under Sections 325/323/148/149 IPC, P.S. City Kotkapura. Case is under investigation.

(viii) FIR No. 279 dated 28.12.2011, under Sections 364/323/148/149 IPC, P.S. City Kotkapura. Case is under investigation.

{Learned counsel for petitioner submits that husband of

petitioner had been acquitted in cases at serial nos. (vii) and (viii) vide judgments dated 24.03.2015 and 26.04.2013 (Annexures P-5 & P-6)}.

(ix) FIR No. 219 dated 16.06.2014 under Sections 384/379/506 IPC, 25/54/59 Arms Act, P.S. Kotwali Bathinda. Case is under investigation.

(x) FIR No. 147 dated 22.08.2013, under Sections 452/336/323/506/148/149 IPC, P.S. City Kotkapura. Case is under trial. {Husband of petitioner had been acquitted in this case vide judgment dated 15.01.2016 (Annexure P-7)}.

On account of wrong averments in para 5 (i), (ii), (vii), (viii) and (x), petitioner has sought initiation of proceedings against respondent no. 5 under Section 340 Cr.P.C.

Learned State counsel has argued that affidavit as referred by learned counsel for the petitioner was filed in CRM-M-40944 of 2015. This Court has allowed that petition and transferred the investigation. On the direction of the Court, status report was filed on affidavit signed by respondent no. 5. In that affidavit, additional information regarding other FIRs registered against Rajwinder Singh @ Latu and status of those cases was also mentioned on the basis of information supplied to respondent no. 5 by ASI Paramjit Singh, who was deputed to collect the information. Respondent no. 5 had no intention to give any false information or to mislead the Court. Even otherwise, proceedings in those FIRs were not in issue in that case and the Court had not taken note of those criminal proceedings while passing the final order. This Court while disposing of

CRM-M-40944-2015 had not deemed it appropriate to launch any proceeding against respondent no. 5 under Section 340 Cr.P.C. and these separate petitions are not maintainable.

Admittedly, in four petitions filed by petitioner seeking transfer of investigation to an independent agency, a coordinate Bench of this Court has sought status report vide order dated 03.12.2015, which reads as follows:-

“Present:- Mr. Amaninder Preet, Advocate for the petitioner.

All the above four petitions have been filed by wife of accused Rajwinder Singh seeking transfer of investigation to an independent agency in four different FIRs lodged with false averments on account of her husband, an elected Councilor of Municipal Council, Kotkapura having not towed the line of local MLA.

It is contended that from attending facts the lodging of successive FIRs clearly reveal that the action is motivated.

Notice of motion.

At the asking of the Court, Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice. He is directed to file a status report of the SP concerned.

List on 29.01.2016.

A copy of this order be placed on the file of connected petitions.”

The above common order was passed in CRM-M-40939, CRM-M-40941, CRM-M-40943 and CRM-M-40944 all of 2015. Status

report on affidavit was filed by respondent no. 5, copy of which is Annexure P-2 in CRM-M-8363 of 2016. While disposing of the petitions filed by petitioner, coordinate Bench had not deemed it appropriate or found it expedient or in the interest of justice to conduct any enquiry about giving of wrong information in the affidavit by respondent no. 5. It is nowhere the case of petitioner that the Court even took note of these facts mentioned in reply about other cases registered against the petitioner. Even on perusal of affidavit I find that information given in para 5 of the affidavit regarding ten other FIRs registered against the petitioner was only to state that husband of the petitioner was involved in other cases as well.

Keeping in view above facts, I find no reason to initiate any enquiry against respondent no. 5 under Section 340 Cr.P.C. The petitioner also appears to have not pressed for initiation of any enquiry against respondent no. 5 before a coordinate Bench at the time of disposal of her earlier petitions.

As a sequel of my above discussion, I find no merits in these petitions and the same are dismissed.

October 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No