

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

CRM-M-14654-2017

Date of decision:-26.9.2018

Kuljit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.O.S. Batalvi, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Amit Arora, Advocate
for respondent No.2.

H.S. MADAAN, J.

By way of filing present petition under Section 482 Cr.P.C.,
petitioner - Kuljit Singh seeks quashing of FIR No.49 dated 6.2.2015,
under Sections 498-A, 406, 506, 34 IPC, registered at Police Station
City, Tarn Taran along with all consequential proceedings arising
therefrom being abuse of process of law for the reason that he has
already obtained *ex parte* decree of divorce dated 2.2.2017 against his
wife Dr.Samir Kaur, who is complainant in the FIR.

Notice of the petition was issued to respondents, who put in

appearance through counsel. They are opposing the petition vehemently.

I have heard learned counsel for the parties besides going through the record and I find that the petition is absolutely devoid of any merit.

A perusal of the FIR goes to show that the petitioner is named in the FIR and specific allegations are there with regard to his harassing and maltreating his wife Dr.Samir Kaur – complainant in connection with demand of dowry and he having illicit relations with wife of his brother. After completion of investigation, challan has been filed against him and the matter is pending trial. Learned Chief Judicial Magistrate, Tarn Taran in a connected matter informed that the petitioner is absent from the proceedings and his non-bailable warrants have been issued. Merely for the reason that the petitioner has obtained *ex parte* decree of divorce is no ground to quash the FIR and ancillary proceedings more particularly when the decree of divorce has been passed at the back of respondent – wife and not on merits after hearing both the parties. The respondent – wife aggrieved by behaviour and conduct of her husband has lodged FIR against him. It can certainly be not termed as an abuse of process of law. The guilt of the accused shall be determined during the trial and no reason is there to allow the petition and to quash the FIR along with ancillary proceedings.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

26.9.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No