

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 19082 of 2015 (O&M)
Date of decision : 6.10.2018

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Taranpreet Singh Mangat and others
.....Petitioners

vs.

State of Punjab and others
.....Respondents

2) CRM-M No. 19378 of 2015 (O&M)

...

Narinder Singh
.....Petitioner

vs.

State of Punjab and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. F.S. Virk, Advocate for
Mr. T.S. Salana, Advocate
for the petitioners (in CRM-M-19082-2015)

Mr. Nitish Garg, Legal Aid counsel for the petitioner
in CRM-M-19378-2015

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Mr. Amit Dhawan, Advocate for respondents No. 2 and 3.

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H. S. Madaan, J.

Vide this judgment, I intend to dispose of CRM-M-19082-2015 titled as Taranpreet Singh Mangat and others vs. State of Punjab and others and CRM-M-19378-2015 titled as Narinder Singh vs. State of Punjab and others.

Petitioners Taranpreet Singh Mangat, Kuldeep Kaur and Amrinder Singh have filed CRM-M-19082-2015, whereas petitioner Narinder Singh has filed CRM-M-19378-2015, under Section 482 Cr.P.C. for quashing of FIR No. 35 dated 10.4.2012, for offences under Sections 406/498-A IPC, registered at Police Station Mehatpur, District Jalandhar, as well as order dated 11.3.2013, passed by Sub Divisional Judicial Magistrate, Nakodar, declaring the petitioners as proclaimed offenders, or any other alternative relief.

Notice of the petitions was given to the respondents, who have put in appearance in the Court and are resisting the petitions.

I have heard learned counsel for the parties, besides going through the record.

According to the petitioners Taranpreet Singh Mangat, Kuldeep Kaur and Amrinder Singh, are citizens of United States of America, residing there since 1998 and even respondents No. 2 and 3 are citizens of America and are living there since long. Whereas petitioner Narinder Singh is citizen of Canada and residing there since long. Taranpreet Singh Mangat is husband of respondent No.3, whereas Kuldeep Kaur and Amrinder Singh are her mother-in-law and brother-in-law (devar), respectively. Petitioner Narinder Singh is

maternal uncle (mama) of Taranpreet Singh Mangat; that the petitioners or any of their family member never demanded any dowry or treated respondent No.3 with cruelty at any time, in this regard. The allegations in the FIR are totally false and baseless and FIR is nothing but an abuse of the process of law, filed with mala fide intention. Therefore, the petitions be accepted.

Whereas according to the State counsel, petitioners being absconders and having been declared proclaimed offenders, these petitions, at their instance, are not maintainable.

Learned counsel for the petitioners has referred to various judgments, first being **Bahadur Singh and others vs. State of Punjab and another 2010 (3) RCR (Criminal) 252**, by a Coordinate Bench of this Court, wherein it was observed that when larger part of offence has taken place in Canada, marriage has already been dissolved at Canada, then FIR is nothing but an abuse of process of criminal law. However, this authority is distinguishable, since petitioners-accused therein had not been declared as proclaimed offenders by the trial Court, whereas it is so in the instant case. Therefore, this authority does not help the petitioners much.

As regards the second authority referred to by them, **Sunil Kumar vs. State 2002 (1) RCR (Criminal) 119**, by Delhi High Court, wherein it was observed that when accused absconding in a case under Section 498A IPC and was declared proclaimed offender, when he was residing in a foreign country, but not attempt was made to serve summons through Ministry of External Affairs, the order issuing proclamation was set aside. Again this judgment does not

come to the rescue of petitioners, since in view of the ratio of authority **Mehnga Singh vs. State of Punjab 2002 (2) RCR (Criminal) 501**, by a Coordinate Bench of this Court, objections regarding legality and validity of the proclamation is required to be raised in the first instance before the Court, which issued the proclamation and not before the Higher Court by way of filing petition under Section 482 Cr.P.C.

Some other authorities referred to by him like, **Chandralekha and others vs. State of Rajasthan and another 2013 (1) RCR (Criminal) 959**, are with regard to observations made in context of facts of that authority. Therefore, both the petitions are doomed for failure and are dismissed accordingly.

However, the petitioners may surrender in the trial Court and apprise it of their case, moving application for regular bail and then after getting the order declaring them proclaimed offenders set aside can approach this Court again, seeking quashing of the FIR and ancillary proceedings.

6.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No