

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

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1. **CRM-M-20322-2017 (O&M)**

DATE OF DECISION :- February 6, 2018

Tej Kaur ...Petitioner

Versus

State of Punjab ...Respondent

2. **CRM-M-31725-2017(O&M)**

Gurcharan Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

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

Present:- Mr. Ishan Gupta, Advocate,
for the petitioner(s).
(In CRM-M-20322-2017)

Mr. Piyush Aggarwal, Advocate,
for the petitioner.
(in CRM-M-31725-2017)

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

This order shall dispose of two petitions i.e CRM-M-20322-2017 filed by Tej Kaur and CRM-M-31725-2017 filed by Gurcharan Singh, both of them being accused in FIR No. 142 dated 08.09.2016, registered at Police Station Canal Colony, Bathinda, under Sections 306 read with

Section 34 IPC, seeking quashing of FIR alongwith all the subsequent proceedings arisen therefrom.

Briefly stated the facts of the case as per prosecution story are that FIR in question was recorded on the basis of the statement of complainant Balvir Singh S/o Banta Singh, r/o 128, Gali No.1, Joga Nagar, Bathinda, Canal Colony, Bathinda, which he made to the police stating therein that his son Sandeep Singh was married with Tej Kaur daughter of Gurcharan Singh, resident of Village Ghamoor Ghat, Tehsil Moonak, District Sangrur, Punjab on 26.02.2007. However, Sandeep Singh died in an accident on 08.03.2014. Tej Kaur had given birth to two children from loins of Sandeep Singh and after death of Sandeep Singh, Tej Kaur alongwith her children continued residing with family of the complainant. Thereafter, she accompanied her brother to her parental house. Tej Kaur claimed that after death of Sandeep Singh, she had been married with his younger brother Ranjit Singh. She had lodged an FIR No. 89 dated 23.06.2015, for offences under Sections 498-A, 406, 506, 323 IPC against them, besides filing a maintenance petition against Ranjit Singh.

On 06.09.2016, Ranjit Singh alongwith his relative Buta Singh had gone to Court Complex at Moonak to attend hearing, where Tej Kaur alongwith her father Gurcharan Singh, mother Amarjit Kaur and sister-in-law (Bharjai) Money wife of Sukhwinder Singh came on behalf of the other party. Ranjit Singh and Buta Singh asked them as to why they are filing false cases against them, then Tej Kaur replied that it is just the beginning and she would get his entire family put behind the bars. Thereafter, Gurcharan Singh, Amarjit Kaur, Money and Tej Kaur abused Ranjit Singh

and threatened him. Ranjit Singh and Buta Singh narrated the whole episode to the complainant.

Ranjit Singh, who was aged about 23 years, was upset and committed suicide on 08.09.2016 at about 11.30 AM. According to the complainant, Ranjit had died due to threats given by Tej Kaur alongwith her father Gurcharan Singh, mother Amarjit Kaur and sister-in-law (Bharjai) Money wife of Sukhwinder Singh.

A formal FIR was registered. After completion of investigation and other formalities, Tej Kaur and Gurcharan Singh were sent to face trial, whereas other persons named in the FIR were found to be innocent and their names were placed in column No.2 of the final report under Section 173 Cr.P.C. Tej Kaur and Gurcharan Singh seek quashing of the FIR. The main ground for the same is that actually it was a matrimonial dispute between Tej Kaur and Ranjit Singh and Tej Kaur was justified in taking recourse to the legal remedy for redressal of her grievances and enforcement of her legal rights. Therefore, it cannot be said that she or her father abetted suicide of Ranjit Singh, therefore, FIR in question being abuse of the process of law be quashed.

On the other hand, learned State counsel contended that the FIR shows commission of offence under Section 306 read with Section 34 IPC on the part of the petitioner. After completion of investigation both of them have been challaned and are facing trial. After framing of formal charge, the case was fixed for recording statement of prosecution witnesses and prosecution has since examined two witnesses and guilt of the petitioner shall be determined during the trial. Therefore, no ground for quashing of

FIR is made out.

After hearing the rival contentions, I find that it cannot be said that FIR in question does not disclose any offence with regard to the petitioner and from the facts and circumstances, no inference can be reached that the FIR came into being as a result of abuse of process of law. Therefore, I do not find any reason to quash the FIR.

The petitions are hereby dismissed. The petitioners can take all the pleas available to them before the trial Court. The observation made in this order shall not have any bearing on the final merits of the case.

(H.S. MADAAN)
JUDGE

06.02.2018
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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No