

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24441 of 2017
Date of decision: 16.4.2018

Ujagar Singh and another ...Petitioners
Versus
State of Punjab ...Respondent

A N D

CWP No.13113 of 2017

Ujagar Singh ..Petitioner
Versus
State of Punjab and others
..Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms.Payal Mehta, Advocate for the petitioners.

Mr.Ayush Sarna, AAG Punjab.

Mr.Manoj Kumar, Advocate for complainant.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CRM-M No.24441 of 2017 titled as Ujagar Singh and another Vs. State of Punjab and others (first petition) and CWP No.13113 of 2017 titled as Ujagar Singh Vs. State of Punjab and others (second petition) as this petition was ordered to be heard with the second petition at the time of notice of motion issued on 13.7.2017. The first petition is filed by mother-in-law and father-in-law of Ravinder Kaur (daughter-in-law) who is married to Rabjot Singh, son of the

10.6.2017 registered at Police Station Women, Police Commissionerate, Ludhiana under Sections 406, 498-A IPC.

The second petition has been filed by father-in-law of Ravinder Kaur being aggrieved against the multiple enquiries conducted by the respondents inspite of instructions issued by the DGP, Punjab on 1.4.2008. In this petition, the petitioner has also appended copy of FIR No.193 dated 3.11.2016 registered under Sections 406, 420, 120-B IPC and Section 24 of Immigration Act, Police Station Phase 1, SAS Nagar, Mohali on the allegations that father of Ravinder Kaur had extracted Rs.8 lacs from the complainant Ujagar Singh for sending Ravinder Kaur and her husband abroad.

Learned counsel for the petitioners has submitted that success of the first petition is based upon success of the second petition because he has challenged the multiple enquiries having been conducted after some allegations levelled by Ravinder Kaur in violation of the instructions issued by DGP Punjab on 1.4.2008 and has submitted that Ravinder Kaur has registered a false case vide FIR No.50 dated 10.6.2017 against her in-laws, who are petitioners in the first petition.

Learned counsel appearing for the State has informed the Court that insofar as FIR No.193 dated 3.11.2016 is concerned, investigation has already been carried out by the investigating agency and cancellation report has been submitted to the Illaqa Magistrate as no offence is found to have been made against the accused named therein and it is submitted that in the FIR No.50 dated 10.6.2017 investigation is already over and challan has been presented.

Counsel for the petitioners has not disputed this fact but has submitted that both the petitioners i.e. Ujagar Singh and Nirmal Kaur, who are

old persons, have already been granted bail and they may be exempted from

their personal appearance before the trial Court.

I have heard learned counsel for the parties and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that since the challan has been presented in FIR No.50 dated 10.6.2017 registered by Ravinder Kaur therefore, at this stage, FIR cannot be quashed but the petitioners may, if so advised, contest at the time of framing of charge if the allegations made in the FIR are false. Therefore, at this stage, I am not inclined to interfere for the purpose of quashing of FIR and hence the present petition is hereby dismissed but with liberty to the petitioners to move an appropriate application before the trial Court in which challan has been presented, for grant of exemption from personal appearance being old age persons. In case any such application is filed, the trial Court is directed to consider the application and grant them exemption from their personal appearance subject to the terms and conditions to be imposed. With the dismissal of this petition, the second petition also does not survive and hence the same is also hereby dismissed. It is made clear that any observation made in this order shall not influence the case before the trial Court.

April 16, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No