

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2452 of 2017 (O&M)

Date of decision : 6.10.2018

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Manjit Kaur

.....Petitioner

vs.

State of Punjab and others

.....Respondents

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

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

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.

This petition 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, alongwith subsequent proceedings, has been filed by petitioner Manjit Kaur, an accused in the said FIR.

According to the petitioner, she is maternal aunt of Taranpreet Singh Mangat, husband of complainant Kamaldeep Kaur.

She is residing in India, whereas Taranpreet Singh Mangat alongwith

his family are residing in United States of America, since long. She has no connection with matrimonial life of respondent No.3 and Taranpreet Singh Mangat. The petitioner had never lived with them at any point of time, as such there is no question of demand of dowry or treating respondent No.3 with cruelty by her; that she has been dragged in the present case being a relative of husband of respondent No.3; that the marriage in question was performed on 25.2.2007 at Nakodar, which was a simple marriage; that the petitioner had no role to play herein except attending the marriage; that the marriage has since been dissolved by a decree of divorce dated 5.11.2012 passed by Superior Court of Washington for King County; that no dowry articles were ever entrusted to the petitioner at the time of marriage; that the Courts in India do not have jurisdiction to entertain and try the case; that the FIR has been got registered under political pressure. Therefore, the FIR and ancillary proceedings be quashed.

Notice of the petition was given to the respondents, who have put in appearance through counsel.

I have heard learned counsel for the petitioner, learned State counsel, learned counsel for respondent No. 2 and 3, besides going through the record.

A perusal of the FIR goes to show that several relatives of the husband have been involved in the case. The petitioner is a relative of husband of complainant. Taranpreet Singh Mangat husband and Kamaldeep Kaur wife are both Non-Resident Indians, who had come to India just for a short duration for solemnization of their marriage, as is evident from the contents of FIR. The

complainant is also residing in USA. Though named in the FIR, but no specific allegations are there against the present petitioner; no details of the dowry articles which might have been specifically entrusted to the petitioner have been given. The allegations against her are quite general and vague. It does not seem convincing that maternal aunt of the husband would be entrusted with dowry articles or that a bride would leave her dowry articles with such maternal aunt of the husband, while the couple leave for America. Similarly, possibly there was no occasion for the petitioner to harass and maltreat Kamaldeep Kaur in connection with demand of dowry. The FIR in question comes out to be an abuse of process of law with regard to the present petitioner. Therefore, the petition deserves to be accepted.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed, qua petitioner Manjit Kaur.

6.10.2018

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**(H.S. Madaan)
Judge**

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No