

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

CRM-M-27270-2015

Date of decision:-6.8.2018

Manvir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present : Mr.B.P. Singh Gill, Advocate
for the petitioners.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Achin Gupta, Advocate
for respondent No.2.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.101 dated 29.6.2015, under Sections 363, 366, 376, 342, 506 and 120-B IPC, registered at Police Station City, Kotakpura, District Faridkot has been filed by petitioners Manvir Singh, Manna @ Rajwinder Kaur, Jaswant Singh @ Kala, Jasprit Kaur and Bhura.

Briefly stated, facts of the case are that the FIR in question

was recorded on the basis of a written complaint submitted by complainant Rajandeep Kaur daughter of Mohinder Singh, resident of House No.41, Street No.1, Duareana Road, Kotakpura wherein she sought taking of action against the present petitioners, who allegedly in connivance with each other had kidnapped the complainant and physically abused her after obtaining her signatures on blank papers by use of force and under threats. *Inter alia* in the complaint, the complainant had contended that she was a student of BA Part II in an educational institute at SBS Nagar, Kotakpura; that on 31.3.2015 at about 11:00 a.m. when the complainant was going to attend tuition classes and had reached opposite Geeta Bhawan, Kotakpura then accused Manvir Singh and Krishna in connivance with each other enticed her away and persuaded her to sit on the motorcycle; that they made her consume cold drink and after consumption of the said cold drink, she lost her senses; that when she regained consciousness, she found herself in village Lakho Ke Behram in the house of Karam Singh Fauji, who is paternal uncle (TAAYA) of Manvir Singh; that Manvir Singh described the woman present in the house as her paternal aunt (TAAYEE). Going further, the complainant has contended that Manvir Singh and his said TAAYEE illegally confined the complainant there for two days and Manvir Singh committed rape upon her regularly giving threats that if she raised alarm then her brother and family members would be eliminated; that thereafter Manvir Singh and his TAAYEE took the complainant to village Snour in a white colour car in the house of Manna, sister of Manvir Singh, where the complainant was again confined in a room and Manvir Singh kept committing rape upon her;

that Manvir Singh, Manna, Jaswant Singh @ Kala and his brother Bhoora got some blank papers signed from the complainant after giving her beatings and threatening her that if she did not do so or raised alarm, then they would finish all her family members; that Manvir Singh in connivance with other persons used to have physical relations with the complainant against her wishes; that on 23.4.2015 when accused Manvir Singh, Jaswant Singh @ Kala and Bhoora went some where and forgot to lock the room of the complainant from outside, the complainant tried to run away from there and then Manna made an attempt to catch hold of the complainant but the complainant thrashed her and ran away, reaching Zira where she meet her parents, who were searching for her; that then they came to their house at Kotakpura; that thereafter the matter was reported to the police.

After registration of the formal FIR, the matter was investigated. Statement of the prosecutrix was got recorded under Section 164 Cr.P.C. In the meanwhile, the present petition was filed and further proceedings stayed.

The petitioners are seeking quashing of the FIR for the reason that Manvir Singh had got married with the complainant against wishes of her family members. Thereafter, she was illegally detained by her parents. The petitioners had filed a petition for habeas corpus in this Court. Then the parents of the complainant got registered the FIR in question as a counter blast. The parents of the complainant had rather got the petitioner No.1 and the complainant assaulted by unknown persons regarding which a complaint was filed before learned Judicial Magistrate and statement of the present complainant was recorded there.

However, subsequently the said complaint was withdrawn under pressure from the complainant by her parents. The local police had not taken any action in the matter. Therefore, the FIR in question is abuse of process of law. The complainant being a major could contract marriage with petitioner No.1 of her own and after marriage the couple had visited various places including Golden Temple at Amritsar and some photographs were taken which have been placed on record. The petitioners pray that under the circumstances, FIR be quashed.

This request is being resisted by the State counsel and counsel appearing for the complainant – respondent No.2 stating that the complainant had not contracted marriage with petitioner No.1, rather petitioner No.1 had kidnapped her with the help of his co-accused and raped her repeatedly. She was illegally confined and her signatures were obtained on some blank papers, which might have been converted into valuable documents. Therefore, no ground for quashing the FIR is made out.

After hearing the contentions of learned counsel for the parties, I find that which of the two versions set up by the rival parties is correct, can be found out during investigation of the case. The investigation is at stands still due to pendency of the present petition. If the investigating agency finds that the version set up by the present petitioners is correct then it may recommend cancellation of the FIR and if version of the complainant is found to be true then further proceedings in the matter in form of preparing challan against the accused and forwarding them to the Court of competent jurisdiction to face trial can be taken.

But as the things stand, no ground for quashing of the FIR is made out since all the petitioners are specifically named in the FIR and criminal acts attributed to them which show commission of cognizable offences. At this stage, it cannot be said conclusively that the FIR got recorded by the complainant is an abuse of process of law. As already discussed above, it is desirable that the matter be investigated and then proper conclusion can be reached by the investigating agency.

Therefore, finding no merit in the petition, the same stands dismissed.

6.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No