

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

**CRM-M No. 28895 of 2015
DATE OF DECISION :- July 30, 2018**

Ajit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Ashok Gupta, Advocate for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Ms. Vertika H. Singh, Advocate for respondent no.2.

This petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 6 dated 12.8.2015 under Sections 406/498-A IPC registered at Police Station NRI, Patiala and all subsequent proceedings arising therefrom has been filed by Ajit Singh, aged about 64 years and his wife Manjit Kaur, aged about 60 years, both of them being accused in this case.

F.I.R. in question was recorded on the basis of statement of complainant Kanwarjit Singh Bedi son of Sh. Bhagwan Singh Bedi resident of H.No. 42, Deep Nagar, Near Sunflower School, Tripuri, Patiala who had submitted a written complaint addressed to Inspector General of Police, NRI (Women Cell), Mohali, Punjab. Inter alia he submitted that his daughter Royjeet Kaur Bedi was married with Barinderjit Singh son of Ajit Singh (petitioner no. 1) at Mohali on 27.1.2013 as per Sikh religious rites and he

had spent around Rs. 48 lacs at that time. That his daughter moved to USA in March 2013 to join her husband there, however, his daughter's-in-law family demanded Rs. 5 lacs to meet expenses of Visa fee, ticket etc. and he has accordingly paid that amount; that he had already given complaint to SSP, Patiala narrating his grievance in detail which was marked to Women Counselling Cell, Patiala, however, the matter was patched up but presently Passport of his daughter is being withheld by her husband rather she has been abandoned and forced to live alone. Her husband has applied for restraint/protection order on false implications and his daughter has been given deadline on 28.8.2014 to vacate the premises. As she is on H4 Visa so she is not allowed to work as she is on dependent Visa of H1B of her husband. She has no bank account, no credit or debit card and she has been denied basic expenses by her husband. Husband of his daughter denied so at the instance of his parents (petitioners) in this petition. The root cause is demand of dowry which he is unable to meet and necessary action in the matter be taken.

After registration of the formal F.I.R. the investigation began. The petitioners are seeking quashing of F.I.R. and ancillary proceedings on the following grounds :-

- i) No offence is made out against the petitioners since marriage performed between son of petitioners and daughter of complainant has already been revoked vide divorce decree dated 13.8.2015 passed by the Courts in U.S.A.
- ii) that marriage between Barinderjit Singh, son of petitioner and Royjeet Kaur Bedi daughter of complainant-respondent no.2 was performed in a simple manner where no dowry was given or accepted; that after marriage Barinderjit Singh left for

U.S.A. on 31.1.2013, whereas his wife Royjeet Kaur Bedi followed him on 19.3.2013. The couple resided together happily in U.S.A., however, neither the couple had returned to India thereafter nor the petitioners have visited them in U.S.A. The petitioners are not on speaking terms with Barinderjit Singh who has been disowned by them vide public notice published in the newspaper dated 15.6.2014 since he was not under their control.

iii) That relations between Barinderjit Singh and Royjeet Kaur Bedi became estranged after some time due to cruel and rude treatment on Royjeet Kaur Bedi by Barinderjit Singh.

Barinderjit Singh had lodged a complaint against Royjeet Kaur Bedi with police at U.S.A. seeking temporary injunction against her from the Court to the effect that she should not interfere in his peaceful life and his life and liberty be protected. That Court in U.S.A. on the basis of report submitted by U.S.A. police granted temporary injunction in favour of Barinderjit Singh and against Royjeet Kaur Bedi. Copy of that order has been attached with the petition as Annexure P2.

iv) That Barinderjit Singh had filed a divorce petition in a Court having jurisdiction in U.S.A. in the year 2014 on the ground of cruelty and non supporting. The petition was duly contested by Royjeet Kaur Bedi, however, decree of divorce was granted on 13.8.2015 finding that allegations made by Royjeet Kaur Bedi were totally false and frivolous. Copy of divorce petition and decree of divorce has been attached as Annexure P3 and P4.

v) That Royjeet Kaur Bedi never submitted any complaint to the police in U.S.A. against her husband or his family members i.e. petitioners. She has not submitted any complaint to police in India regarding demand of dowry or harassment against petitioners.

vi) That on earlier on 7.7.2014, respondent no. 2 with a

malafide intention had lodged a false and frivolous complaint with SSP, Patiala against petitioners and their son Barinderjit Singh just to extort money. Copy of complaint being Annexure P5, however, that complaint was withdrawn by him on 29.7.2014 giving in writing that there was some misunderstanding with the petitioners which had been removed as such he did not want to proceed with the complaint. Copy of complaint is Annexure P6 In that complaint there was no allegation with regard to demand of dowry or harassment; that complainant-respondent no. 2 on coming to know that the Court in U.S.A. is going to grant decree of divorce lodged one more complaint on the basis of which the present F.I.R. has been registered; that the allegations in the F.I.R. are wrong and F.I.R. has been registered due to political pressure; that the allegations in the present F.I.R. do not disclose any offence.

vii) Police at Patiala does not have territorial jurisdiction to register the F.I.R. since boy and girl in question are living separately in U.S.A. as their marriage has been dissolved by a decree of divorce. The allegations in the F.I.R. are absurd and inherently improbable. That petitioners have filed a suit for permanent injunction against complainant-respondent no.2 and his family members on 30.8.2014; that they should not interfere in their peaceful life; that suit is pending, therefore, the petition be accepted.

The petition is being contested by the State counsel and the complainant.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

The petitioners are parents of Barinderjit Singh, who was married with Royjeet Kaur Bedi and thereafter the couple had shifted to

America where on account of matrimonial discord, their marriage has been dissolved by a decree of divorce and now they are residing separately.

A perusal of the F.I.R. goes to show that the main grouse of the complainant is that his daughter has been harassed and maltreated by her husband. The allegations against the petitioners are very vague and evasive, to the effect that root cause of problem being that they are directing their son to act according to their will to seek dowry. Though he has made an allegation that at the time when his daughter moved to U.S.A. in March, 2013 at that time at the asking of his daughter-in-law's family Rs. 5 lac had been paid by him. There are no specific allegations of demand of dowry on the part of the petitioners and complainant giving the same. It seems that on account of his daughter Royjeet Kaur Bedi developing a matrimonial dispute with her husband, the petitioners have got registered the present F.I.R. as a pressure tactic which is nothing but an abuse of process of law. There is force in the contention of the petitioners that Royjeet Kaur Bedi herself has not lodged any complaint against them with police in America or in India. Further more though according to the complainant he had submitted a written complaint to SSP, Patiala earlier but then the same had been withdrawn by him.

Learned counsel for the petitioners had referred to an authority “Harmanpreet Singh Ahluwalia and others versus State of Punjab and others 2009 (Criminal Law Journal) 3462” by the Apex Court wherein it was observed that when a larger part of offence had been committed in Canada, however, the F.I.R. was lodged at Jalandhar, the same was quashed for the said reason.

I am of the view that ends of justice demand that the F.I.R. along with ancillary proceedings are quashed. The petition is accepted accordingly and F.I.R. in question besides the ancillary proceedings qua the petitioners are ordered to be quashed.

(H.S. MADAAN)
JUDGE

July 30, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No