

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.123

CRM-M-38440-2018

Date of decision : 04.09.2018

Jatinder Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. M.K. Dhot, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed with a prayer to direct the respondents not to carry out repeated enquiries into the same set of allegations keeping in view the instructions dated 01.04.2008, issued by the Director General of Police, Punjab.

It has been averred that Sikander Kaur, sister of petitioner No.1, got married with the complainant viz. Daljit Singh in the year 2002. Since then, she has been residing with Daljit Singh in Kuwait and two children have been born out of the wedlock. Problem arose because in the year 2017, Sikander Kaur moved to Canada alongwith her children without the knowledge of the complainant and she allegedly took with her 2000 Dinar and some gold jewellery. Aggrieved by this action of Sikander Kaur, the complainant lodged a complaint dated 28.02.2018, before respondent No.4. Thereafter, a compromise dated 21.04.2018 (Annexure P2), was reached between the parties, pursuant to which, a sum of Rs.10 lakhs was paid to the complainant by the petitioners. Although, the issue had been compromised, the complainant sent a legal notice dated 07.05.2018 (Annexure P3) and thereafter, filed a civil suit dated 07.07.2018 (Annexure P5), for rendition of accounts and also a criminal complaint under Sections 420, 406, 427, 506,

182, 499, 500, 380 and 120B IPC. Another complaint was also filed with police resulting in issuance of notice dated 27.02.2018 (Annexure P6) to the petitioners under Section 160 Cr.P.C. Now, an FIR dated 31.08.2018 has also been registered.

The submission of learned counsel for the petitioners is that the registration of an FIR is abuse of the process of law as on the same set of facts the earlier complaint was compromised vide compromise dated 21.04.2018.

Since, an FIR has already been registered, the petitioner would be at liberty to bring all the necessary facts to the notice of the Investigating Officer, who will carry out the investigation keeping in view the facts of this case as well as the appropriate law. It is directed that the investigation be conducted under the supervision of respondent No.5.

The petition is accordingly disposed of.

(SUDHIR MITTAL)
JUDGE

04.09.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No