

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11787-2015 (O&M)
Date of Decision:- 5.9.2019

Rajjit Kaur ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner Rajjit Kaur has approached this Court seeking quashing of FIR No.150 dated 8.7.2014 registered under Sections 406, 498-A IPC at Police Station Gharinda, District Amritsar Rural and all consequential proceedings emanating therefrom.
2. The FIR was lodged at the instance of Rajdeep Kaur wherein it has been alleged that she was married to Dupinder Singh (hereinafter being referred to as 'husband') in the year 2012. It is alleged that the petitioner Rajjit Kaur (maternal grandmother of 'husband'), Harbeant Singh (maternal grandfather of 'husband') and Colonel Daljit Singh (paternal grandfather of 'husband') approached the complainant's father for matrimonial alliance of their grandson Dupinder Singh while representing that Dupinder Singh was permanent resident of USA and that he would take the complainant abroad

after marriage. It is alleged that ring ceremony was performed on 20.3.2012 in a hotel where petitioner Rajjit Kaur, Harbeant Singh, Dupinder Singh (husband), Colonel Daljit Singh were present and in their presence Harneet Kaur (mother-in-law of complainant) took an amount of ₹ 10 lacs from complainant's father and handed over the same to Gursewak Singh, who was stated to be their reliable and loyal driver. It is further alleged that subsequently on 29.3.2012, the complainant's marriage was registered and she was told that the requisite documents for taking the complainant abroad would be prepared in about 10-15 days and they would be sent abroad. It is further stated therein that the accused told them that the complainant may go back to her parental home and upon which she came back with her parents. Subsequently, after 4-5 days, Colonel Daljit Singh (paternal grandfather of 'husband') spoke to complainant's father on telephone telling him that the agent has demanded more amount. The complainant's mother-in-law Harneet Kaur also spoke to complainant's father and demanded an amount of ₹ 20 lacs. However, the complainant's father told them that they were not in a capacity to pay the amount and upon which Colonel Daljit Singh said that if the said amount is not paid then they would marry the boy with someone else and will not take the complainant abroad. Later, the complainant came to know that her husband Dupinder Singh and her mother-in-law Harneet Kaur had already gone abroad and thereafter Colonel Daljit Singh, Harbeant Singh and petitioner Rajjit Kaur challenged the complainant and their family to do whatever they liked.

3. Learned counsel for the petitioner has submitted that the petitioner is 'Nani' (maternal grandmother) of complainant's husband and that a false FIR has

been lodged by the complainant against the entire family of her husband and has not even spared the aged grand parents i.e. '*Nana*', '*Nani*' and '*Dada*' of her husband and that infact during this ordeal, '*Dada*' had already expired. The learned counsel has further submitted that the complainant and her husband had already got their marriage dissolved by getting a decree of divorce by mutual consent whereas the present FIR has been pending against the petitioner since the year 2014.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in FIR and there are specific allegations levelled against the petitioner indicating her involvement in the entire episode of defrauding the complainant, no case for quashing the FIR is made out.
5. I have considered rival submissions addressed before this Court. The allegations in nutshell are to the effect that the family of complainant's husband had held out a promise that she would be taken abroad after marriage but after the marriage, a demand for an amount of ₹ 20 lacs was raised for the said purpose, which the complainant and their family did not accede to and resultantly the complainant was never taken abroad. A perusal of FIR would show that it is a case of simple court marriage wherein an amount of ₹10 lacs was handed over to Harneet Kaur (mother-in-law of the complainant) which she further passed on to Gursewak Singh (Driver) in the presence of the petitioner and other relatives. There is no specific allegations that the said amount was ever entrusted to the petitioner, who is '*Nani*' (maternal grandmother) of the complainant's husband. There is no such allegation that any demand of dowry had been raised by the petitioner

at any stage or that any kind of harassment in order to press upon the demand of dowry had been made or that the petitioner having been entrusted with any '*Istridhan*' or other valuables had misappropriated the same. Consequently, this Court is of the opinion that forcing the petitioner to face prosecution would not serve any useful purpose as there are bleak chances of her conviction and the same would amount to her unnecessary harassment.

6. The petition consequently is accepted and FIR No.150 dated 8.7.2014 registered under Sections 406, 498-A IPC at Police Station Gharinda, District Amritsar Rural and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner Rajjit Kaur.

5.9.2019

kamal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No