

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

247

CRM-M-18707-2016 (O & M)
Date of Decision:02.07.2019

MALKIAT KAUR AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.K. Kaushal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.66 dated 06.08.2003 under Sections 420 and 120-B IPC (Annexure P-4) registered at Police Station Bhadhni Kalan District Moga along with all the proceedings arising therefrom.

The FIR was recorded on the statement of Hakam Singh, wherein it was alleged that he was looking for a suitable match for his three unmarried daughters, when he came to know that a boy has come from Canada to village Dhudike, who was also looking for match for three girls. Jagsir Singh @ Seera son of Bant Ram had informed that Jagmail Singh son of Harbans Singh was living in Canada and impressed me to accept the alliance. After consultation with my elder son-in-law, the complainant kept Jagsir Singh as mediator, who had apprised that a demand of ₹12 lacs had been made by the boy side. According to the complainant, after disposing of the property, the amount was arranged and the date of marriage was fixed as

09.12.2001, which was solemnized at Marriage Palace, Bathinda. It was stated that mother of the boy namely Malkeet Kaur was given gold chain of 2 tolas and Sardar Harbans Singh, father of boy, was given ring of half tola whereas sister namely Amarjit Kaur was given gold earrings. The other expenses incurred by the complainant also mentioned in the FIR. The marriage between the parties was registered at Bhatinda vide registration No.171-R/10.12.2001. After marriage Jagmail Singh remained at Bhatinda and thereafter he took complainant and his daughter to visit Hazur Sahib and thereafter via Bombay Jagmail Singh went back to Canada in June, 2002. Jagmail along with his mother and sister came to India and stayed at the house of the complainant and thereafter they left from Amritsar Airport. According to the complainant, the boy refused to take back his daughter to Canada and sent the divorce papers for dissolution of marriage with his daughter namely Kuljit Kaur. On these broad allegations, the FIR was recorded.

Respondent No.2 was served through substituted service by way of publication and vide order dated 10.11.2017, he was treated as served.

No reply has been filed by the State so far.

Learned counsel for the petitioner contends that the FIR in respect of father-in-law namely Harbans Singh was quashed vide order dated 25.01.2007, which was filed by him through CRM-7019-M-2005 (Annexure P-1). Attention of this Court is further invited to Annexure P-2 to contend that the trial in respect of Mediator namely Jagsir Singh @ Jassa also ended in acquittal vide judgment dated 03.01.2009 (Annexure P-2). He further contends that on these very lines, the FIR against the present

petitioners, who are mother-in-law and sister-in-law also deserves to be quashed.

Learned counsel for the petitioner does not dispute the fact that the petitioners are proclaimed offender and are residing at Canada. A perusal of the order dated 25.01.2007 (Annexure P-1) reveals that this Court proceeded to quash the FIR against father-in-law on the ground that there were no allegations against him in the FIR. A perusal of the FIR reveals that the boy along with his mother namely Malkeet Kaur and sister Amarjit Kaur came to India and stayed with the family of the complainant and left India from Amritsar. It makes it clear that the case of the petitioners is clearly distinguishable from the case of Harbans Lal. Similarly, no benefit can be derived by the petitioners from the judgment of acquittal in respect of accused Jagsir Singh @ Seera, who was admittedly a Mediator, as the benefit, if any, was obtained by the boy and his other family members.

Learned counsel is further unable to explain the delay in filing the petition for quashing of the FIR, which has been filed in February, 2016 whereas the impugned FIR No.66 was registered on 06.08.2003. Further learned counsel is unable to justify the reason as to why the petitioners did not join the earlier petition filed by Harbans Singh/co-accused.

In view of the above and particularly the fact that the petitioners are proclaimed offender, no ground is made out for invoking the inherent powers for quashing impugned FIR.

Dismissed.

02.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No