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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.19710 of 2018 (O&M)

Date of Decision : February 13, 2019.

Jaswant Singh

....Petitioner.

Versus

State of Punjab and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Mr. Kamaldip Singh Sidhu, Advocate, for the petitioner.

Mr. Ashok Kumar Singla, Senior Deputy Advocate General,
Punjab, for respondent No.1.

SHEKHER DHAWAN, J.

CRM-17664-2018

Affidavit of the petitioner, filed in compliance of order of this Court dated 10.05.2018, is taken on record, subject to all just exceptions.

Application stands disposed of.

Main Case

Present petition under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') is for quashing of F.I.R. No.174 dated 06.10.2009 under Section 306 of the Indian Penal Code (for short, 'IPC'), registered at Police Station Sidhwan Bet, District Ludhiana Rural (Annexure-P2) and all subsequent proceedings arising therefrom.

2. The petitioner has come up with the plea that a false case was

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registered against him in this case. Subsequently, Kulwant Kaur, wife of the petitioner, submitted a report before Senior Superintendent of Police, Ludhiana (Rural) and thorough enquiry was conducted by the police by associating both the parties. During investigation, respondent No.2-Kamaljeet Kaur submitted her affidavit dated 29.12.2009, wherein she had stated that she got registered the aforesaid F.I.R. due to misunderstanding and subsequently found at her own level that the present petitioner was not at fault. She had also taken the plea that she did not want to take any action against the present petitioner and has no objection if the name of the present petitioner is deleted from the case. On the basis of that, the police submitted cancellation report on 02.01.2010 and respondent No.2 also got recorded her statement on 27.07.2013 before learned Judicial Magistrate 1st Class, Jagroan, but learned Magistrate did not accept the cancellation report, merely on the ground that the offence alleged against the petitioner was non-compoundable and the appropriate remedy for the petitioner was to file petition under Section 482 Cr.P.C., before this Court. By now, the petitioner has already filed the present petition under Section 482 Cr.P.C.

3. Learned counsel representing the petitioner had also taken the plea that the petitioner is aged about 75 years and he is being dragged in this litigation without there being any basis. On 15.12.2018, learned counsel representing the respondent No.1-State of Punjab, also contended that the petitioner herein, has already died.

4. In view of the above fact that the petitioner was involved in

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case F.I.R. No.174 dated 06.10.2009 under Section 306 IPC, registered at Police Station Sidhwan Bet, District Ludhiana Rural and respondent No.2 had already made statement before learned Judicial Magistrate Ist Class, Jagroan on 27.07.2013 that she did not want to take any action against the present petitioner as the F.I.R. was got registered by her on the basis of some misunderstanding which was removed. In view of that, continuation of proceedings on the basis of said F.I.R. against the present petitioner (even if he survives) shall be blatant misuse of the process of law and the end result of trial is known at this stage. Moreso, the continuation of proceedings in this case shall be sheer wastage of Court's time.

Accordingly, the present petition is accepted and F.I.R. No.174 dated 06.10.2009 under Section 306 IPC, registered at Police Station Sidhwan Bet, District Ludhiana Rural and all subsequent proceedings arising therefrom, are hereby quashed qua the present petitioner.

(SHEKHER DHAWAN)
JUDGE

February 13, 2019.

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Whether speaking/reasoned? :	Yes/No
Whether reportable? :	Yes/No