

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

CRM-M-14818 of 2019.

Decided on:- May 21, 2019.

Gurpreet Singh and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Buta Singh Bairagi, Advocate
for the petitioner.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.8 dated 22.08.2018 under Sections 498-A and 406 IPC registered at Police Station Women, District Ludhiana (Rural) qua the petitioners and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner has argued that the aforesaid FIR is liable to be quashed for the reason that the complainant is not legally wedded wife of petitioner No.1. No such detail has come forward regarding the date, time and manner in which the complainant was subjected to cruelty. Similarly, there is no allegation that any particular article of dowry was entrusted to any particular person/accused.

Learned counsel for the petitioner has referred to the document Annexure P-2 i.e. the bank detail to contend that the complainant is wife of one Swarn Singh and not of the petitioner. She has concealed the information.

I have heard learned counsel for the petitioner.

The main ground on which the FIR is being sought to be quashed is that the complainant is not legally wedded wife of the petitioner. Perusal of the FIR in question does show that the petitioner got married with the complainant in the year 2017 and from this wedlock, a daughter was born to them.

The argument that the complainant was earlier married with one Swarn Singh with whom she has not taken divorce and unless there is a divorce from her earlier husband, she cannot solemnise marriage with any person including the petitioner, is a matter which is required to be adjudicated during the trial. Therefore, this Court finds that no ground is made out to quash the FIR in question.

The present petition is, accordingly, dismissed.

May 21, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No