

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43023 of 2013

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Date of decision:25.03.2019

Rajveer Kaur and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Deepak Aggarwal, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for
the respondent-State.

Mr. J.K. Singla, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.47 dated 11.7.2012 (Annexure-P.1) registered for the offence under Section 420 IPC at Police Station Phul, District Bathinda and all subsequent proceedings arising therefrom.

Notice of motion was issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and Mr. J.K. Singla, learned Advocate has appeared for complainant-respondent No.2 and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The FIR was registered on the basis of complaint of complainant-Shminder Pal Singh, who stated as under:-

“Complaint against Rajveer Kaur daughter of Sukhmander Singh, resident of Sidhana, Tehsil Rampura Phul, District Bathinda, who, have forged the IELETS certificate and by showing the same certificate, have married the applicant with the promise to go abroad. Sir, the application is as under: 1. It is requested that the applicant Sukhmander Singh son of Gurmail Singh is a resident of Village Dhapali, Tehsil Phul, District Bathinda. 2. That Babu Ram was the mediator to the marriage and prior to my marriage, the aforesaid mediator and my father-in-law Sukhmander Singh told that daughter of Sukhmander Singh namely Rajveer Kaur has done IELETS and soon she is going abroad and she can also take her husband along with her and to prove this fact, they given photocopy of one certificate dated 20.5.2010. The photocopy of the same is attached herewith. To take my confidence, some of my certificates were called for before marriage and some certificates were called for after marriage and took Rs.2 Lac as expenses for going abroad from my father. After marriage it came to know that Rajveer Kaur does not have any such certificate on the basis of which she could go abroad. On seeing the certificate minutely it is known that on the certificate dated 20.05.2010, Rajveer Kaur and her father have made cuttings in the marks and forged the certificate and handed over to us the photocopy of the same and fraudulently got my consent for the marriage and took Rs.2 Lac from my father and

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misappropriated the same. So, through the present application it is requested that a case be registered against aforesaid Rajveer Kaur and her father Sukhmander Singh for forging a certificate and regarding solemnizing marriage fraudulently with me and for committing cheating of Rs.2 Lac and my original certificates be got recovered back to me. Sd/- Shminder Pal Singh aforesaid.”

A perusal of the FIR itself shows that no cognizable offence has been committed by the accused-petitioners. A perusal of the FIR itself does not disclose the commission of any cognizable offence. The complainant, who is husband of Rajveer Kaur, stated that before their marriage, his father-in-law had shown a certificate of IELETS and stated that Rajveer Kaur will go to foreign country and will take her husband along with her. As per the FIR ₹2 Lakhs were given for expenses for going abroad and marriage took place and now he came to know that the certificate was forged one as there were cuttings on the mark-sheet and a photocopy has been given to complainant.

A perusal of the record shows that the complainant is husband of Rajveer Kaur and it looks that a matrimonial dispute arose between the parties. The photocopy of any certificate cannot be believed. The marriage has already taken place. The complainant and accused Rajveer Kaur are husband and wife. There is nothing about the other accused. Otherwise also, vague averments have been made in the FIR. Nothing has been mentioned as to on which date, month or year, amount of ₹2 Lakhs were paid and whether any papers were prepared for sending the complainant to foreign country etc. When Rajveer Kaur herself has not gone to foreign

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country nor at the time of marriage she was NRI nor she or her father had represented that she has any VISA etc. to go abroad. Only on the basis of one certificate which is like a proficiency test in English etc., itself shows that there is no misrepresentation to the complainant before the marriage. Anybody can have the expectation to go abroad and there is nothing wrong even if it is promised that Rajveer Kaur will go to a foreign country and she will also take her husband along with her. A perusal of the FIR shows that no cognizable offence has been committed, rather, this FIR has been registered to harass the wife and her parents. The registration of the FIR is nothing but an abuse of the process of law which amounts to miscarriage of justice. The challan has already been presented, but the charges have not been framed. Therefore, the FIR is liable to be quashed along with all subsequent proceedings.

Therefore, keeping in view the above facts, this petition is allowed and FIR No.47 dated 11.7.2012 (Annexure-P.1) registered for the offence under Section 420 IPC at Police Station Phul, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed.

March 25, 2019.

(Inderjit Singh)
Judge

hsp

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