

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

204

CRM-M-42938-2016 (O&M)

Decided on : 03.07.2019

Gurbir Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM :HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present : Mr. JPS Brar, Advocate for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

Mr. Rajesh Narang, Advocate for respondent No.7.

HARNARESH SINGH GILL, J. (ORAL)

Counsel for the petitioner states that on the complaint of the petitioner-Gurbir Kaur, FIR No. 9 dated 21.01.2013 under Sections 376, 342, 365 IPC and under Sections 67(A) of IT Act was registered at Police Station Sangat and thereafter an FIR No.10 dated 21.01.2013 under Sections 420, 468, 211, 195, 120-B IPC was registered at same police station against the petitioner-Gurbir Kaur and respondents No. 2 to 6 which is false and is not based on true facts.

It is also argued that petitioner moved an application against cancellation report dated 02.04.2013 in case FIR No. 9 dated 21.01.2013, before the Judicial Magistrate as he did not agree with the investigation carried out by the police, but cancellation report, being connected with FIR No. 10 dated 21.01.2013, was ordered to be heard by the Sessions Court and vide order dated 23.07.2014, cancellation report was remitted back to concerned Magistrate.

It is further argued that petitioner moved an application dated 22.08.2014 for staying the proceedings in FIR No. 10 dated 21.01.2013, registered against her, before Sessions Judge, Bathinda which was dismissed vide order dated 06.10.2016.

Thus it is prayed that the FIR No. 10 dated 21.01.2013 registered against the petitioner and private respondents be quashed.

Per contra, learned State counsel has argued that during investigation, it was found that as per the medical report no injury was caused to Gurbir Kaur-petitioner and on 18.01.2013 and 19.01.2013. She was found to be residing at Village Panniwala Mota, District Sirsa and jewellery of petitioner was with Pardeep Kumar. The petitioner was serving as a Nurse and Sunil Kumar was working in the Hospital of Dr. Narang. Sunil Kumar was married to Kanta, who suspected that Sunil Kumar was having relationship with petitioner-Gurbir Kaur. Kanta was diagnosed to be HIV positive. She blamed that petitioner and Sunil Kumar had administered an injection to her in order to remove obstruction in their way. Father of Kanta, namely, Ram Parsad, had got registered FIR No. 8 of 2012 at Police Station Khuian Sarwar against Kanta's husband Sunil Kumar and the petitioner. Thus, as a counter blast, the petitioner got registered FIR No. 9 dated 21.01.2013.

Special Investigating Team consisted of Sh. Amarjit Singh Superintendent of Police (D), Bathinda, Ms. Alka Meena, IPS ASP (City) and Manjit Singh DSP(R), SI Harbant Singh, SHO PS Sangat, SI Jaswinder Kaur had found that false story has been concocted by the petitioner.

After hearing the counsels for the parties it has come on record that in FIR No.9 dated 21.01.2013 in which petitioner is complainant,

though cancellation report has been filed yet the complaint of the petitioner has been treated as a private complaint in which preliminary evidence has been recorded.

As far as FIR No.10 dated 21.01.2013 is concerned, evidence is complete and is fixed for arguments. The Hon'ble Supreme Court of India in *State of Punjab Versus Dhara Vir Singh Jethi*, 1994 SCC(Cri) 500 has held that after filing of the charge-sheet, quashing of FIR is not permissible.

In view of the above, I do not find any merits in the present petition. Hence, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

03.07.2019

pooja saini

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No