

CRM-3550-2019 in/and
CRM-M-9836-2016

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-3550-2019 in/and
CRM-M-9836-2016

Date of decision: 31.01.2019

Ranjit Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. HS Mann, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Sunny Singla, Advocate for respondent No. 2.

Mr. GS Dhillon, Advocate for respondent No. 3.

Ms. Arshpreet Kaur, Advocate for respondent No. 4.

RAMENDRA JAIN, J. (ORAL)

CRM-3550-2019

Application is allowed as prayed for.

Reply filed on behalf of respondent No. 4 is taken on record.

Be tagged at the appropriate place.

CRM-M-9836-2016

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 43 dated 17.06.2015 (Annexure P-1) registered under Sections 420 and 120-B IPC at Police Station City Budhlada, District Mansa and all the subsequent proceedings arising

therefrom, qua the petitioners.

Briefly, respondent No. 2-Gurjant Singh, lodged FIR (Annexure P-1) against the petitioners, on the allegations that petitioner No. 1-Ranjit Kaur, after divorce from her first husband namely; Davinder Singh, performed marriage with Gurtej Singh. After the death of Davinder Singh on 25.06.2005, petitioner No. 1 in connivance with one Major Singh, got sanctioned mutation of inheritance of the property of Davinder Singh, in her favour and respondent No. 3-Sanehpreet Kaur @ Simmi, in equal shares vide mutation No. 2574. Thereafter, petitioner No. 1 had sold the property to Major Singh, vide registered sale deed dated 31.05.2011, illegally showing herself to be widow of her first husband-Davinder Singh, after seeking permission from this Court to sell the share of her minor daughter-respondent No. 3.

Learned counsel for the petitioners *inter alia* contends that respondent No. 2, being a stranger, has no *locus standi* to lodge the impugned FIR. Respondents No. 3 and 4 have no objection to the sanctioning of mutation of entire property of Davinder Singh in favour of petitioner No. 1-Ranjit Kaur and further selling the same to Major Singh. Therefore, the impugned FIR (Annexure P-1) being lodged by a stranger is liable to be quashed.

On the other hand, learned counsels for respondents No. 3 and 4 stated at Bar that they have no objection to the acceptance of instant petition and quashing of FIR (Annexure P-1).

On putting some queries to learned counsel for respondent No. 2, author of FIR (annexure P-1), he could not give any satisfactory

reply except that after enquiry on his complaint by Deputy Superintendent of Police, impugned FIR was registered.

Having given thoughtful consideration to the rival submissions of learned counsel for the parties, this Court finds this petition merit acceptance for the reasons to follow:

Respondent No. 2-complainant is a stranger to the entire exercise allegedly adopted by petitioner No. 1, in connivance with petitioner No. 2 and Major Singh, aforesaid. Even he is not effected with any of the transactions of petitioner No. 1 with Major Singh. Therefore, he has no *locus standi* to lodge the impugned FIR.

Since, respondent No. 3-Sanehpreet Kaur, who is aggrieved person of the alleged illegal act of petitioner No. 1 in connivance with petitioner No. 2, has no objection to the acceptance of instant petition and quashing of impugned FIR, therefore, the instant petition is allowed. The impugned FIR No. 43 dated 17.06.2015 (Annexure P-1) registered under Sections 420 and 120-B IPC at Police Station City Budhlada, District Mansa and all the subsequent proceedings arising therefrom, qua the petitioners, are quashed.

January 31, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No