

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-188-2019

Date of Decision:17.01.2019

Hardeep Kaur

.....Petitioner

Versus

State of U.T., Chandigarh and another

.....Respondents

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

Present: Mr. Shubhjot Singh Chadha, Advocate,
for the petitioner.

Mr. Parminder Walia, Advocate for
Mr. Sukant Gupta, APP,
for U.T., Chandigarh.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 29.07.2016 passed by learned Judicial Magistrate 1st Class, Chandigarh, in FIR No.126 dated 06.05.2011 under Sections 406, 498-A IPC, registered at Police Station Sector 11, Chandigarh, whereby the petitioner was declared as proclaimed offender.

Learned counsel for the petitioner has argued that the petitioner is mother-in-law of complainant-Ravigeet Kaur. The aforesaid FIR was registered on 06.05.2011, whereas the petitioner was already residing in New Zealand since July/August, 2010 and hence on the date when the FIR in question was registered, she was not in India. He further states that complainant-Ravigeet Kaur has filed a divorce-petition before learned

District Judge, Chandigarh and vide judgment and decree dated 16.08.2013,

learned Additional Sessions Judge, Chandigarh, had granted a decree of divorce in favour of complainant-Ravigeet Kaur, though the said decree was ex parte. Irrespective of the fact that the allegations against the petitioner are false and motivated, the petitioner is ready to join the investigation and to face the trial in accordance with law.

Learned counsel appearing on behalf of U.T., Chandigarh, does not dispute the fact that the FIR was registered on 06.05.2011. He states that plea of the petitioner that she was not in India on the relevant date, when the FIR was registered, is a matter of trial.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is ready to face the trial in accordance with law and she being outside India on the date on which the order dated 29.07.2016 was passed, this Court finds that the petitioner has not been served in the case.

Accordingly, the present petition is disposed of with a direction that in case the petitioner appears before the Illaqa Magistrate/trial Court within two months from today, she shall be admitted on bail subject to furnishing of her bail bonds/surety bonds to its satisfaction.

It is further directed that the petitioner shall not be arrested in the present FIR on her arrival at the Airport.

January 17, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No