

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-17357-2018

Date of Decision:21.01.2020

Kirandeep @ Karandeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. A.G.S. Dhillon, Advocate,
for the petitioners.**

Mr. Hittan Nehra, Addl. A.G. Punjab.

**Ms. Anupam, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of complaint No.39 dated 23.07.2015(Annexure P-1) filed by respondent No.2-Reshma Vaid under Sections 406, 420, 498-A, 506 read with Section 120-B IPC along with Dowry Act & Sections 3, 4, 5 of the Scheduled Caste & Scheduled Tribe(Prevention of Atrocities Act), 1989, titled as “Reshma Vaid Versus Kamal Nain Singh and others”.

Learned counsel for the petitioners has argued that the petitioners have been named in the complaint for the reason that they are parents of Kamal Nain Singh, who was married with respondent No.2-

Reshma Vaid. Even the petitioner Nos.3 and 5, who were merely mediators

in the marriage have also been dragged in the case. Petitioner Nos.1 and 2 are parents-in-law of respondent No.2, whereas petitioner No.4-Navpreet Kaur @ Jeena Bajwa is married sister-in-law and petitioner No.6-Raipaul Singh @ Rajpal Singh is father of petitioner No.1-Kirandeep @ Karandeep Singh, who has unfortunately died in the year 2019, though the complaint was filed in the year 2015.

It is submitted that for the similar set of allegations, respondent No.2 has lodged an FIR No.5 dated 23.01.2014 under Sections 406, 498-A IPC, Police Station Women Cell, Patiala against the petitioners and in the said case, police has thoroughly investigated the matter and has prepared the cancellation report. In this manner, the allegations so made by respondent No.2 are apparently false. Pursuant to the complaint so filed by respondent No.2, petitioners have been ordered to be summoned by learned Judicial Magistrate 1st Class, Patiala, so as to face trial under Sections 406, 498-A read with Section 3(r)(s) of the SC&ST Act. The very object of the complaint is to supplement the allegations made in FIR No.5 dated 23.01.2014. He further states that to the information of the petitioners, marriage between Kamal Nain Singh and respondent No.2 has already been dissolved by Superior Court of California, County of Contra Costa on February 19, 2016 and respondent No.2 has now solemnized second marriage and rather, has been blessed with a child from this marriage. In this manner, summoning order against the petitioners passed by learned Magistrate deserves to be quashed.

Learned counsel for respondent No.2 does not dispute the fact of divorce having been granted between Kamal Nain Singh and respondent No.2 by Superior Court of California, County of Contra Costa on February

19, 2016. However, she submits that FIR is under investigation and even if the cancellation report has been prepared, she has a right to agitate and to file objections against the protest petition.

Learned State Counsel has already filed reply by way of affidavit of Sh. Sukhamrit Singh Randhawa, PPS, Deputy Superintendent of Police, City-II, Patiala dated 09.08.2019. On the strength of reply, it is submitted that in the FIR, police has already investigated the matter and cancellation report has been prepared, which is pending consideration before the court.

Heard learned counsel for the parties.

Taking into consideration the relationship of the petitioners viz-a-viz respondent No.2-Reshma Vaid and the fact that decree of divorce between Kamal Nain Singh and respondent No.2 has been allowed by Superior Court of California, County of Contra Costa on February 19, 2016, this Court finds that the present petition deserves to be accepted. In the FIR, police has already investigated the matter and prepared the cancellation report at three different times, which is now pending consideration before the Illaqa Magistrate. This Court finds that even mediators have been arrayed in the case, which speaks the bent of mind of the complainant, so as to falsely implicate every possible person connected with the husband family.

In the case of **Geeta Mehrotra and another Versus State of U.P. and another** 2012(4) RCR (Criminal) 812, Hon'ble the Apex Court has held that in criminal cases, arising out of a matrimonial disputes, a fact borne out of experience cannot be overlooked that there is a tendency to involve the entire family members of the household in the domestic quarrel

taking place in a matrimonial dispute.

Moreover, respondent No.2 is remarried and has been blessed with a child which further supplement the argument of the learned counsel for the petitioners that after divorce, she has been settled and has solemnized marriage.

In the background of the facts, when for the same set of allegations, the police had already investigated the F.I.R. and had submitted cancellation report to the court, the present petition is accepted and the complaint(Annexure P-1) as well as summoning order dated 18.11.2017 are hereby quashed, while exercising powers provided under Section 482 Cr.P.C.

January 21, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No