

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 20363 of 2020 (O&M)

Date of decision : 5.8.2020

...

Nirmal Kaur

.....Petitioner

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vijay Rana, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

...

H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 482 Cr.P.C. read with Section 407 Cr.P.C. has been filed by petitioner Nirmal Kaur, seeking transfer of enquiry of complaint dated 1.6.2020, copy attached with the petition as Annexure P-2, made by respondent No.5 Balkar Singh, pending before Deputy Superintendent of Police, Sultanpur Lodhi, District Kapurthala, from the Deputy Superintendent of Police Sultanpur Lodhi, District Kapurthala, to a competent authority having jurisdiction out of the District either to the District Jalandhar or Hoshiarpur or to AIG (NRI), Jalandhar, District Jalandhar.

Inter alia in the petition the petitioner has contended that there has been a matrimonial dispute between her daughter Navdeep Kaur and Gurpreet Singh son of Balkar Singh - respondent No.5. The petitioner and her family had spent a considerable amount at the time of their marriage. Even then demand of dowry was raised by Gurpereet Singh and his family members, which petitioner and her family could not fulfill. The petitioner has submitted a complaint before the ADGP (NRI), Mohali, District Mohali, which has been marked for investigation to AIG (NRI) Jalandhar. Balkar Singh -respondent No.5, who is the main culprit having close relations with local MLA of Congress Party from Sultanpur Lodhi Constituency, had moved a false and fabricated complaint dated 1.6.2020 (Copy Annexure P-2) before DSP, Sultanpur Lodhi, District Kapurthala, on the false and frivolous allegations that he had given an amount of Rs.6,18,000/- to the present petitioner and her son-in-law Gurwinder Singh as well as her daughter Sandeep Kaur, just to pressurize the petitioner and her relatives to compromise the matter. As a matter of fact no such money had been paid. DSP, Sultanpur Lodhi, District Kapurthala, who is conducting enquiry in the matter under influence of local MLA and is not doing so properly and is rather pressurizing the petitioner to compromise the matter.

The petitioner, her daughter Sandeep Kaur and son-in-law Gurwinder Singh had filed a petition for pre-arrest bail in the Court of Sessions at Kapurthala, and vide order dated 13.7.2020, Judge, Special Court, Kapurthala, had disposed of the application with a

direction that in case FIR is registered and applicants are required to be arrested on the basis of facts stated in the bail application, then the Investigating Agency shall give three days notice in writing to them. The petitioner prays that her petition be accepted.

I have heard learned counsel for the petitioner, besides going through the record and I find that there is absolutely no merit in the present petition.

Section 482 Cr.P.C. deals with saving of inherent powers of High Court providing that nothing in the Code of Criminal Procedure, 1973, shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

Whereas Section 407 Cr.P.C. deals with power of High Court to transfer cases and appeals providing that whenever it is made to appear to the High Court that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, **or** that some question of law of unusual difficulty is likely to arise, or that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice. The High Court may order that any offence be inquired into or tried by any Court not qualified under sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence etc.

The case of the petitioner does not fall within four corners of

either of these provisions. A perusal of the complaint submitted by Balkar Singh -respondent No.5 to the SSP, Kapurthala, goes to show that there are specific allegations that the petitioner's side had borne the entire expenses of Rs.20 lacs for sending daughter of the petitioner namely, Navdeep Kaur abroad and bearing expenses of her marriage with his son Gurpreet Singh. However, after solemnization of marriage Navdeep Kaur lived with his son for one month and after that she started residing somewhere else. In that way Navdeep Kaur, her mother Nirmal Kaur, brother-in-law Gurwinder Singh and sister Sandeep Kaur had defrauded Balkar Singh of an amount of Rs.20 lacs by solemnization of false marriage. That complaint is statedly being enquired into by DSP Sultanpur Lodhi, having jurisdiction in the matter. That complaint is dated 1.6.2020. The complaint submitted by the present petitioner was moved thereafter on 26.6.2020. As conceded by learned counsel for the petitioner during arguments, no formal FIR has been registered on the basis of complaint submitted by Balkar Singh. If Balkar Singh was so influential, then FIR would have been registered on the basis of that complaint expeditiously and promptly, which might have indicated that he wields influence with the politicians and is in a position to put pressure on the District police. From the record nothing comes out showing any merit in the allegations in the petition that DSP Sultanpur Lodhi, District Kapurthala, is under any political pressure, managed by Balkar Singh. Furthermore, petitioner is nobody to dictate terms as to which police officer should look into her complaint or that it should be transferred to police of any particular

District outside Kapurthala. The petition is totally misconceived and devoid of any merit. No interference by this Court in such like administrative matter of the police is called for.

Dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

5.8.2020
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
-----------------------------	----------

Whether reportable	Yes / No
--------------------	----------