

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M- 24743 of 2020 (O&M)
Date of decision : 27.8.2020

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Davinder Pal Lahar and another
.....Petitioners

vs.

U.T., Chandigarh and others
.....Respondents

2) CRM-M- 24749 of 2020 (O&M)

...

Davinder Pal Lahar and another
.....Petitioners

vs.

State of Punjab and others
.....Respondents

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

Present: Mr. M.L. Saggar, Senior Advocate with
Mr. Armaan Saggar, Advocate for the petitioners.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This order of mine shall dispose of two petitions bearing
CRM-M-24743-2020 titled Davinder Pal Lahar and another vs. U.T.,
Chandigarh and others and CRM-M-24749-2020 titled Davinder Pal

Lahar and another vs. State of Punjab and others.

Petitioner – Davinder Pal Lahar, aged about 68 years and his wife Veena Kumari Lehar, aged about 64 years, residents of village PO Kot Ise Khan, Palta Mohalla, Tehsil and District Moga, have filed the instant petitions, under Section 482 Cr.P.C. against respondents (in CRM-M-24743-2020) U.T., Chandigarh; Sat Paul Bains r/o # 504, MIG Flats, Sector 61, Chandigarh; Ms. Shivani d/o Sat Paul Bains, residing at Melbourne Australia and Prince Lahar s/o Devinder Pal Lahar, residing at Melbourne Australia and respondents (in CRM-M-24749-2020) State of Punjab; Sat Paul Bains r/o # 504, MIG Flats, Sector 61, Chandigarh; Ms. Shivani d/o Sat Paul Bains, residing at Melbourne Australia and Prince Lahar s/o Devinder Pal Lahar, residing at Melbourne Australia, praying for quashing of FIR No. 40 dated 30.5.2020, for offences under Sections 406, 498-A IPC, registered with Women Police Station Chandigarh and FIR No. 13 dated 16.6.2020, for offences under Sections 406, 498-A IPC, registered with Police Station NRI, Phase 7, SAS Nagar, Mohali, respectively.

Inter alia in the petitions, it has been contended that marriage of Prince Lahar son of the petitioners, was solemnized with Shivani daughter of Sat Paul Bains of Chandigarh – respondent No.2, on 8.3.2018 at Chandigarh. Shivani resided in the house of the petitioners from 8.3.2018 to 26.3.2018 and thereafter left for Australia. Prince Lahar son of the petitioners, followed her on 27.4.2018, on tourist visa. The couple started residing together in

Australia. However they developed a matrimonial dispute, which culminated in dissolution of their marriage by a decree of divorce on 16.5.2020. Shivani had submitted a complaint to NRI Police, Punjab for registration of a criminal case against Prince Lahar and his other family members, including the petitioners. However, no action was taken. Later on, her father Sat Paul Bains – respondent No.2 submitted a complaint dated 10.4.2019 to SSP, Chandigarh, alleging registration of criminal case under Section 420 IPC and also craving for re-investigation of the complaint submitted by his daughter Shivani. During the pendency of those proceedings, Sat Pal Bains – respondent No.2 made a complaint to SSP, UT, Chandigarh, on the basis of which FIR No. 40 dated 30.5.2020 had been registered at Women Police Station Chandigarh, for offences under Sections 406, 498-A, IPC against the petitioners and their son Prince Lahar, copy of that FIR has been attached as Annexure P-1. It is further contended that another FIR No. 13 dated 16.6.2020, for offences under Sections 406, 498-A IPC, has been registered at Police Station NRI, Phase 7, SAS Nagar, Mohali, against the petitioners and Prince Lahar, copy of that FIR is Annexure P-2.

According to the petitioners, registration of two FIRs in two different cities, on the same allegations is an abuse of process of law and they seek quashing of those FIRs. Various grounds have been mentioned in the petitions on which quashing of the two FIRs has been asked for.

I have heard learned counsel for the petitioners, besides

going through the record.

After hearing learned counsel for the petitioners, I find that the FIRs cannot quashed in such a manner. Registration of two FIRs on the basis of similar allegations at two different places could be taken as an irregularity. The FIR recorded first in time may be investigated by the police of the police station concerned, whereas with regard to the FIR registered later in time, it could be observed that since the matter is being investigated in the FIR registered first in time, there is no necessity of holding parallel investigation in the 2nd FIR and the proceedings can be culminated in such a manner or if found proper and appropriate and permissible under the law, investigation in the second FIR be stopped and the 2nd FIR can be got cancelled even, because it is settled law that a person cannot be tried twice for the same offence. Therefore, at this stage no conclusion can be drawn that both the FIRs are abuse of process of law. As already observed some irregularity seems to have taken place in registration of two FIRs on almost similar allegations due to some communication gap and misunderstanding. After registration of the FIR investigation is to follow. Whatever pleas have been taken in the present petitions can be taken by them before the Investigating Officer, who is supposed to take those into consideration while carrying out investigation of the case. This Court cannot hold parallel investigation/enquiry to look into the merits of the allegations levelled by the complainant in the FIRs and the version set up by the petitioners in the present petitions.

Therefore, both the petitions are disposed of, relegating the petitioners to the remedy of raising all the pleas before the Investigating Officer, with the observation that the FIR registered prior in time be investigated and the accused may not be subjected to double jeopardy and parallel investigation in the FIR registered on the basis of similar allegations may not be conducted since that is not permissible under the law.

27.8.2020 chugh		(H.S. Madaan)
		Judge
	Whether speaking / reasoned	Yes / No
	Whether reportable	Yes / No