

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M- 43868 of 2019

Jaskamal Bhardwaj and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

AND

2. Criminal Misc. No. M- 31966 of 2020

Jaskamal Bhardwaj and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

Date of Decision: 05.11.2020

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Dilraj Singh Bhinder, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Parminder Singh Kanwar, Advocate
for respondent No.2.

Anil Kshetarpal, J.

By this order, Criminal Misc. No. M-43868 of 2019 and
Criminal Misc. No. M-31966 of 2020, shall stand disposed of.

The petitioner No.1 herein is the daughter-in-law of the first
informant, namely Mani Ram. It is alleged by Mani Ram that he has spent
sufficient amount for arranging visa, air ticket and payment of Embassy

charges, enabling his daughter-in-law, to go overseas. It is alleged by the

first informant that at the time of marriage of the petitioner with his son, she agreed to sponsor her spouse (the petitioner's son) to go abroad, however, she is now refusing to sponsor.

This Court, in *Manjit Kaur and Another v. State of Punjab and Another (Criminal Misc. No. M-30669 of 2018)*, has quashed FIR No.66, dated 03.06.2018, registered under Sections 420/120-B IPC, at Police Station Bullowal, District Hoshiarpur qua Manjit Kaur and Amit Bhardwaj vide order dated 16.09.2019.

Reply to the petition has been filed by the first informant. On perusal of the file, it is apparent that the first informant had spent the amount for making arrangements of his daughter-in-law, to go abroad. In these circumstances, the criminal proceedings initiated are clearly an abuse of the process of the Court. The order passed in Criminal Misc. No. M-30669 of 2018, is extracted as under:-

“Through present petition, two petitioners namely Manjit Kaur and Amit Bhardwaj invoke inherent powers of this Court under Section 482 Cr.P.C. for quashing of FIR No.86 dated 03.06.2018 registered under Sections 420/120-B IPC at Police Station Bullowal, District Hoshiarpur.

Undisputed facts are that Jaskamal Bhardwaj, daughter of petitioner No.1-Manjit Kaur, was married to Bhupinder Singh, son of first informant-Mani Ram (respondent No.2 herein). It is claimed that Mani Ram had spent the amount on arranging Visa, Air Tickets, Embassy Charges for enabling his daughter-in-law to go abroad. It is the allegation of the first

informant that when the marriage was settled, it was agreed that Jaskamal Bhardwaj, who had already cleared the examination of IELTS, would also sponsor spouse Visa for her husband namely Bhupinder Singh, which she has not arranged and therefore offence of cheating has been alleged.

Although learned counsel for the petitioners submits that the amount has been spent by them, which is disputed by learned counsel for respondent No.2-first informant, however, this Court does not find it appropriate to enter into that controversy.

It is undisputed that Jaskamal Bhardwaj is daughter-in-law of Mani Ram-first informant. She is a family member of the first informant. Even if Mani Ram has spent some amount for facilitating her travel and settling her abroad, no offence can be said to have been committed by the petitioners i.e. mother and brother of Jaskamal Bhardwaj.

In view of the above, the present petition is allowed. FIR No.86 dated 03.06.2018 registered under Sections 420/120-B IPC at Police Station Bullowal, District Hoshiarpur and the consequential proceedings arising therefrom are ordered to be quashed”.

Learned counsel, for respondent No.2-first informant, is unable to draw the attention of the Court to any appeal which may have been filed against the judgment passed by this Court, in Criminal Misc. No. M-30669

of 2018.

For the reasons stated above, Criminal Misc. No. M-43868 of 2019, is allowed and FIR No.66 dated 03.06.2018, registered under Sections 420/120-B IPC, at Police Station Bullowal, District Hoshiarpur and the consequential proceedings arising therefrom, qua the petitioners herein shall stand quashed.

In view of the quashing of the FIR, the second petition vide Criminal Misc. No. 31966 of 2020, has become infructuous because the FIR ceases to exist and hence the same is disposed of as such.

(Anil Kshetarpal)
Judge

November 05, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No