

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18331-2022
Date of decision : 22.11.2022

Davinder Kaur and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shivender, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Vaibhav Sehgal, Advocate
for respondents No.4 and 5.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. with
the following prayer:-

“It is therefore, respectfully prayed that a direction may kindly be issued to the official respondent (Respondent No.3) not to make multiple enquiries at the instance of Respondent No.4 in contravention of Notification/instructions issued by the Director General of Police, Punjab (Annexure P-6) as well as the Law laid down by the Constitutional Bench of Hon'ble the Supreme Court in Lalita Kumari vs govt. of UP and others, 2013(4) RCR (Criminal) 979, this Hon'ble Court in Jaswinder Singh vs State of Punjab CRM M-18244 of 2008 date of decision 12.1.2009 and in CRM M-16013 of 2020 as the matter has already been enquired into by the Senior Superintendent of Police, Moga (Annexure P-3 & P-4) at the instance of the Letter issued by National Commission for Women, India (Annexure P-2) in the view of the facts and circumstances of the case against

the provisions of law, in the interest of justice.

It is further prayed that the petitioners may kindly be exempted from the filing the certified/true translated copies of Annexures in the interest of justice.”

2. Today, short reply by way of affidavit of Gurbinder Singh, PPS, Deputy Superintendent of Police, Jagraon has been filed on behalf of respondents No.1 to 3-State. As per the same, FIR stands registered and the matter is under investigation. Reference can be made to para Nos.3 and 5 of the status report filed which reads as under:-

“3. That the brief facts of the case are that respondent no.4 moved one Complaint bearing No.598/PC-2 dated 06.04.2022 to the Senior Superintendent of Police, Jagraon and the same was there upon entrusted to DSP-SB, Jagraon for verification. In the above said complaint, the complainant (i.e. respondent no.4) has levelled allegations that she has been given beatings, harassed physically as well as mentally for the demand of more dowry and further alleged that her husband had left her in Canada and also that she had been cheated by Ajay Pal Singh Sandhu, Harwinder Singh (petitioner No.2), Paramjit Kaur (petitioner no.3), Davinder Kaur (petitioner no.1), Chanwinder Singh and Karamjit Kaur.

Thereupon the answering deponent in order to verify the allegations as levelled in the complaint recorded the statements of respondent no.4 Gurminder Kaur, respondent no.5 Harjit Kaur, Jagdev Singh, Parminderjit Singh as well as of the petitioners No.1, 2, 3, Chanwinder Singh, Karamjit Kaur and further all the documents and evidences as produced by both the parties were also scrutinized from which it transpired that Ajay Pal, Harwinder Singh, Paramjit Kaur, Chanwinder Singh, Karamjit Kaur and Uncle/Mediator of Ajay Pal had solemnized the marriage of Ajay Pal with respondent

no.3 by cheating for procuring PR for Ajay Pal. It further transpired during verification that Ajay Pal after reaching Canada in conspiracy with Mediator Jegdev Singh, Father Harvinder Singh, Mother Paramjit Kaur, Uncle Chanwinder Singh, Aunt Karamjit Faur, started harassing the respondent no.4 and 5 to fulfil their demand of car and house and it was also found during verification that the respondent no.4 even gave one Camri Car to Ajay Pal Singh but even after this they did not mend their ways and Ajay Pal Singh remained persistent with his demand of house. It was further found during verification that Ajay Pal Singh stayed with the respondent no.4 for only two months and when Ajay Pal Singh got PR Card, then he smartly and cleverly took away all his belongings and started residing with Mediator Jagdev Singh. It was then concluded from the above said verification that Ajay Pal Singh, Uncle/Mediator Jagdev Singh, petitioners No.2 and 3 have cheated the respondent no.4 in conspiracy with each other and that they have caused harassment for demand of more dowry and thus it was recommended that FIR u/s 406, 420, 498-A, 120-B IPC be registered against them.

This report was then submitted to SSP, Ludhiana (Rural) who then forwarded the same for legal opinion of Assistant District Attorney vide Order dated 03.05.2022, who vide Letter No.76/ADA-21/6/22 concurred with the above said report and opined that FIR be Lodged against Ajay Pal Singh, Harwinder Singh (petitioner No.2), Paramjit Kaur (petitioner no.3) u/s 406, 498-A, 420, 120-B IPC and submitted this report to SSP, Ludhiana (Rural) who then approved the same and directed the SHO, P.S. Dakha to lodge the FIR. Accordingly, FIR bearing No.116 dated 08.07.2022, P.S. Dakha, Ludhiana was lodged against the petitioners No.2, 3 Ajay Pal and

Mediator Jagdev Singh.

5. That investigation with respect to the above said FIR is still going on and mandatory notices u/s 41 Cr.P.C. were issued to the accused persons and after this petitioner No.2 and 3 moved pre-arrest bail before the Ld. District and Sessions Judge, Ludhiana and interim bail was granted to them vide order dated 25.07.2022 by the Court of Sh.Vijay Kumar, ASJ, Ludhiana in pursuance to which the petitioners No.2 and 3 have already joined the investigation on 26.07.2022. Further investigation is still going on and after completion of the same, Challan/Final Report u/s 173 Cr.P.C. will be prepared accordingly.”

3. In view of the stand taken by the State, nothing remains to be adjudicated in the present petition at the hands of this Court.

4. Consequently, the present petition is dismissed as having been rendered infructuous.

(PANKAJ JAIN)
JUDGE

22.11.2022

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Whether speaking/reasoned : Yes

Whether Reportable : No