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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-1942-2016 (O&M)****DATE OF DECISION: 12.07.2023****Chhinder Pal Kaur @ Shinderpal Kaur****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. B.S. Bhalla, Advocate,
For the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr. N.S. Dandiwal, Advocate,
For complainant/respondent No.2.

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.47 dated 16.10.2013 (Annexure P-7), registered under Sections 199, 420, 468, 471 IPC, at Police Station Samalsar, District Moga and all proceedings emanating therefrom.

2. Per FIR, Chhinder Pal Kaur, petitioner herein, contested elections of Panchayat from Ward No.2 in the year-2013 as wife of Chamkaur Singh. She was elected as Panch. Iqbal Singh, brother-in-law (*Jeth*) of petitioner was serving in Indian Army and retired. He died on 20.08.2010. Petitioner forged documents and started withdrawing pension, projecting herself as widow of Iqbal Singh whereas in 2013, she contested the election being wife of Chamkaur Singh. She had thus committed fraud with general public and government. FIR was got registered by Sarpanch

3. Learned counsel for the petitioner submits that after the death of Iqbal Singh, petitioner was married to Chamkaur Singh, who is real brother of Iqbal Singh. She got married to Chamkaur Singh later on and as such she is drawing pension legally. Petitioner received notice from Army authorities

regarding stoppage of pension and refund of Rs.2,36,519/-. Pursuant to said notice, petitioner moved representation and after due consideration, pension of petitioner was restored vide letter dated 27.12.2014 (Annexure P-9).

3.1 Learned counsel would further argue that the petitioner rightly contested elections in 2013 as the wife of Chamkaur Singh. Investigation of police is complete and challan has been filed by the police without taking into consideration the letter (Annexure P-9).

4. On the other hand, learned State counsel as well as learned counsel for respondent No.2 oppose the quashing of impugned FIR on the ground that fraud has been committed by petitioner with the government to get pension of her earlier husband by giving false information whereas she contested the election being wife of Chamkaur Singh. FIR has rightly been registered after investigating the matter. Petitioner has committed a serious offence.

5. I have heard rival contentions of learned counsels for parties and have gone through the case file carefully.

6. While issuing notice of motion on 28.01.2016, my learned brother Jaspal Singh. J., (as he then was seized of the matter), stayed proceedings *qua* the petitioner.

7. Letter dated 27.12.2014 (Annexure P-9) written by Army Authorities restoring family pension to petitioner clinches the issue and substantiates the plea of petitioner that after the death of her first husband Iqbal Singh in 2010, she contracted second marriage with Chamkaur Singh, younger brother of Iqbal Singh. For ready reference, letter dated 27.12.2014 (Annexure P-9) is being reproduced, as below:

“Tel: 0761-4045442

BY HAND
Records JAK RIF
PIN-908774
c/o 56 APO
27 Dec 2014

SR/13756820 /FP (DAR)

PCDA (P)
G-4 Section
Allahabad (UP)

**RESTORATION OF FAMILY PENSION TO SMT SHINDER
PALKAUR WIO NO 13756820 LATE RFN IQBAL SINGH**

1. *It is intimated that as per erstwhile policy, Smt Shinder Pal Kaur w/o No 13756820 Late Rfn Iqbal Singh was granted family pension from 12 Aug 10 (date of death of her husband) to till re-marriage vide PCDA (P) Allahabad PPO No D/288/2007. Family pension in respect of Smt Shinder Pal Kaur has been stopped by pension disbursing agency (i.e DPDO. Moga) with effect from 01 Apr 2014 on intimation regarding re-marriage received from the lady and also the PDA has directed to the lady to deposit the amount of pension drawn from 11 Feb 2011 (date of re-marriage) to 01 Apr 2014 (date of stoppage of family pension)*
2. *However, as per existing policy, the childless widow is entitled for ordinary family pension even after re-marriage provided her income is less than Rs 3500/-pm + DA thereon.*
3. *Hence, following documents in respect of above lady are forwarded for restoration of family pension: -*
 - (a) *LPC-cum-data sheet- One.*
 - (b) *Last pension certificate- One.*
 - (c) *Un-employment certificate - One.*
 - (d) *Affidavit sworn before 1st class magistrate regarding Issueless. - In original.*
 - (e) *Income certificate- One.*
 - (f) *Marriage certificate- One.*
 - (g) *Copy of PPO No D/288/2007- One.*
 - (h) *Death certificate of Late Rfn Iqbal Singh- One.*
 - (j) *Sheet Roll- One.*
4. *You are requested to adjudicate the case and issue the corrigendum PPO at the earliest."*

8. Perusal of the above leaves no manner of doubt that the matter regarding remarriage of petitioner with Chamkaur Singh is in the knowledge of

the Army Authorities too, who restored the family pension to petitioner after making necessary inquiries at their level. Being so, it can be safely concluded that no fraud, as portrayed by respondent No.2 in the impugned FIR, has been committed by petitioner. I am of the view that no offence is made out against the petitioner and present FIR is an abuse of process of Court.

9. In the premise, it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring an end the criminal proceedings initiated in the light of the impugned FIR.

10. As an upshot, instant petition is allowed. FIR No.47 dated 16.10.2013 (Annexure P-7) registered under Sections 199, 420, 468, 471 IPC, at Police Station Samalsar, District Moga and all proceedings emanating therefrom against the petitioner are quashed.

11. Pending application(s), if any, shall also stand disposed of.

JULY 12, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No