

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-20010-2019
Date of Decision: 07.02.2023**

MANDEEP SINGH AND ORS

... Petitioners

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Gaurav Datta, Advocate
for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab
for respondents No.1, 3 and 4.

Mr. Vijay Lath, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Certiorari while raising challenge to the order dated 01.03.2019 (Annexure P-5) passed by the respondent No.3-Punjab State Commission for NRIs (hereinafter to be referred to as 'NRI Commission') recommending the police to file a supplementary challan in FIR dated 128 dated 17.06.2017 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 (hereinafter to be referred to as 'IPC') at Police Station Adampur, Jalandhar after adding names of the petitioners as well as the offences punishable under Section 420 of the IPC and Sections 10 and 12 of the Passport Act, 1967.

Briefly summarized, the facts of the present case are that the marriage of Gurmeet Singh (non-petitioner) - brother of petitioner No.1 and

son of petitioners No.2 and 3 was solemnized with respondent No.2 Rajwinder Kaur on 22.01.2016 as per Sikh rites and rituals at Karwal Resort, Adampur, District Jalandhar. It has been averred that Gurmeet Singh (non-petitioner) left a mobile phone with respondent No.2-Rajwinder Kaur so that they could remain in touch, however, she was alleged to be in contact with certain other persons leading to a marital discord.

It is averred that in the said FIR, a final report has been filed, wherein the petitioners were not charged as accused. An application was also submitted by the respondent No.2-Rajwinder Kaur for summoning of the petitioners as additional accused under Section 319 of the Cr.P.C., however, the said application was also dismissed. The respondent No.2, thereafter, approached the NRI commission for seeking directions to the police/investigating agency to file a supplementary challan against the petitioners and also to add various other offences. Vide impugned order (Annexure P-5), the NRI Commission recommended the respondent-Authorities to submit a supplementary challan in this case by adding the names of petitioners and their family members and also by adding the offences punishable under Section 420 of the IPC and Sections 10 and 12 of the Passport Act, 1967. The aforesaid order is the subject matter of challenge in the present petition.

Notice of motion was issued vide order dated 23.07.2019 and an interim order was passed restraining the official respondents from acting upon the recommendations contained in the impugned order dated 01.03.2019.

Learned counsel for the parties submit that the parties have already amicably resolved the dispute *inter se* between themselves and they have also filed a quashing petition bearing No.CRM-M-41774-2021 titled as 'Mandeep Singh and others Vs. State of Punjab and another' on the basis of the

compromise in case FIR No.128 dated 17.06.2017 and that the same is now pending before this Court for hearing on 17.02.2023.

Learned counsel for the petitioners contends that the recommendations made by the NRI Commission are in the nature of Mandamus directing the Police Authorities to file a charge sheet against the petitioners and that exercise of any such jurisdiction, notwithstanding the fact that an investigation has already been conducted by the Investigating Agency and that a final report has also been filed, ought not to have been carried out. Additionally, the application submitted by the respondent No.2 for summoning the petitioners as additional accused has also been dismissed. He admits that such a recommendation infact amounts to exercising a jurisdiction not conferred upon the NRI Commission. The direction to file a supplementary charge sheet and to add offences against the petitioners especially when the matter is already subjudice before a competent Court is a transgression of jurisdiction by the NRI Commission and being a recommendatory Body, it was not within the scope of the said agency.

Be that as it may, taking into consideration the fact that the matter has already been amicably resolved between the parties, the said issue need not be examined any further at this stage.

The present petition is, thus, disposed of as having been rendered infructuous at this stage.

Consequently, the interim order dated 23.07.2019 is hereby made absolute.

07.02.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No