

CRM-M-38327-2022 (O & M)

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(289)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38327-2023 (O & M)

Date of Decision: 27.07.2023

Surinder Singh and anr.

... Petitioners

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Navdeep Singh, Advocate, for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.0047 dated 19.11.2021 under Sections 406/120-B IPC registered at Police Station NRI, Ludhiana and all subsequent proceedings arising therefrom.

2. None appears for the petitioner.

3. The learned counsel for the State while referring to the reply/affidavit dated 27.07.2023 submits that the investigation is still pending in the present case, and therefore, the present petition has been filed at a pre-mature stage.

4. I have heard the learned counsel for the respondent-State.

5. On 26.08.2022, the following order was passed in this case:-

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“Present petition has been filed under Section 482 Cr.P.C. for seeking quashing of FIR No. 0047, dated 19.11.2021, lodged under Sections 406, 120-B of IPC, registered at P.S. NRI, Ludhiana (Annexure P-1), and all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that petitioner No.2 and son of respondent No.2 have already got divorced from each other in the year 2021 before the Courts in Ontario province of Canada.

Counsel for the petitioners further submits that filing of present FIR is blatant misuse of the law and registration of FIR is even without jurisdiction. In support of his contention, counsel for the petitioner relies upon the judgment of the Hon’ble Apex Court rendered in Criminal Appeal No.908 of 2009, titled as, “Harmanpreet Singh Ahluwalia and others Vs. State of Punjab and others”, decided on 05.05.2009, and submits that as per the said judgment, when a cause of action has arisen out of India, registration of FIR here is without jurisdiction.

Notice of motion for 27.10.2022.”

6. On the next date of hearing i.e. 09.03.2023 none appeared on behalf of the petitioner. Thereafter, on 20.04.2023, the petitioners were represented. However, today once again, none has appeared for the petitioner.

7. In view of the fact that the investigation is still pending, I find that the present petition has been filed at a pre-mature stage. The same is ordered to be disposed of being pre-mature.

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8. However, the petitioners shall be at liberty to file a fresh petition, if and when a report under Section 173(2) Cr.P.C. is submitted before the Trial Court.

(JASJIT SINGH BEDI)
JUDGE

July 27, 2023

sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No