

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

CRM-25256-2023 in/and

CRM-M-54816-2018

Date of decision :12.07.2023

MANPREET KAUR

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kunal Mulwani, Advocate
for the applicant/petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

CRM-25256-2023

The present application has been filed by the applicant-petitioner for correction/modification of order dated 16.05.2023 passed by this Court.

Heard.

Since, it was the FIR No.0239 dated 19.12.2017 under Section 406, 420 and 120-B IPC registered at Police Station Moga City which has already been quashed on the basis of a compromise vide order passed in CRM-M-38732-2019 therefore, the order dated 16.05.2023 is recalled and the petition is restored to its original number.

CRM-M-54816-2018

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.137 dated 16.07.2017 registered under Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Moga City along with all subsequent proceedings arising therefrom.

CRM-25256-2023 in/and CRM-M-54816-2018

-2-

The learned counsel for the petitioner contends that no prima facie offence is made out as the husband of the petitioner, namely, Gurpreet Singh @ Goldy was doing the business of a travel agent and the petitioner had been falsely implicated being his wife. In fact, a matrimonial dispute was pending between the parties which would clearly show that the petitioner would not have connived with her husband-Gurpreet Singh @ Goldy. Therefore the impugned FIR (Annexure P-1) and all subsequent proceedings arising therefrom were liable to be quashed.

The learned counsel for the State, on the other hand, contends that pursuant to the filing of the report under Section 173 Cr.P.C., charges were framed and one out of the 17 prosecution witnesses stands examined.

I have heard the learned counsel for the parties.

In view of the fact that the evidence is being recorded and certain disputed questions of fact have been raised, I find no reason to quash the FIR No.137 dated 16.07.2017 (Annexure P-1) and the subsequent proceedings arising therefrom. Therefore, the present petition is disposed of with the liberty to the petitioner to raise all the pleas raised in this petition before the Trial Court at the appropriate stage. As the FIR pertains to the year 2017, the Trial Court is directed to conclude the Trial expeditiously.

(JASJIT SINGH BEDI)
JUDGE

12.07.2023

JITESH

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