

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54827-2018 (O & M)

Date of decision: 16.05.2023

Manpreet Kaur

... Petitioner

V/s

State of Punjab and anr.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kunal Mulwani, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.0239 dated 19.12.2017 under Sections 406, 420 and 120-B IPC registered at Police Station Moga City (Annexure P-1).

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.

CRM-M-54827-2018 (O & M) ::2::

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.0239 dated 19.12.2017 (Annexure P-1) and the subsequent proceedings arising therefrom. Therefore, the present petition is dismissed 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.

May 16, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No