

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

CRM-M-1650-2019

Reserved on: 28.02.2024

Pronounced on: 04.03.2024

2024:PHHC: 030327

AMANDEEP KAUR AND OTHERS

. . . . PETITIONERS

Vs.

STATE OF PUNJAB

. . . . RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate,
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing of the FIR No.86 dated 09.06.2018 (Annexure P1) under Sections 365/34 IPC registered at Police Station Ajnala, District Amritsar and all other consequential proceedings arising therefrom.

2. Status report dated 27.02.2024 filed by way of affidavit of Raj Kumar, PPS, Deputy Superintendent of Police, Sub Division Ajnala, Amritsar Rural on behalf of the respondent-State, has been filed and the same is taken on record. .

3. FIR was lodged on the statement of Mukhtar Singh, as per which his Son Tirath Singh had died by consuming Sulphas tablets being perturbed by his in-laws and regarding, which FIR No.80 dated 02.06.2018 under Section 306/34 IPC had been registered against his in-laws. Said Tirath Singh had two sons namely, Princedeeep Singh aged 16 years and Jugraj Singh aged 14 years. About 7 acres of land, bank balance and policies are in the

name of Jugraj Singh. It was alleged that on 02.06.2018 at about 7 PM, Amandeep Kaur, the daughter-in-law of the complainant, along with her brother Amrinder Singh @ Manak, relative Rana Partap Singh and 2-3 unknown persons armed with weapons kidnapped Jugraj Singh, for the purpose of usurping the property in the name of said Jugraj Singh. Complainant made efforts through respectables for return of his grandson, but all the accused refused. On the basis of aforesaid statement, FIR was registered.

4. Seeking the quashing of the FIR, petitioners alleged their false implication.

5. At the outset, Id. State counsel has drawn attention towards the reply as filed by the respondent-State, as per which matter stood compromised between the parties. Id. State counsel, on the basis of reply filed by the respondent, submitted that complainant Mukhtar Singh along with victim Jugraj Singh; and his son Harbhej Singh joined the investigation on 10.09.2019. All of them got recorded their respective statements, as per which on the date of occurrence, petitioner No.1 Amandeep Kaur had taken away Jugraj Singh with her and that after sometime, said Jugraj had come back. They have now entered into an oral compromise and do not intend to pursue the matter further. The reply submitted by the respondent-State is accompanied by the statements of Mukhtar Singh (complainant of the case), Jugraj Singh (the alleged kidnapped boy) and that of Harbhej Singh (son of the complainant).

6. It emerges that in fact, Tirath Singh was earlier married to Sarabjit Kaur. From that wedlock, Tirath Singh had two sons namely, Princedeeep Singh and Jugraj Singh. After the death of Sarabjit Kaur, Tirath

Singh solemnized second marriage with petitioner Amandeep Kaur, who was the step mother of Jugraj Singh.

7. As per the statements made by Mukhtar Singh, Jugraj Singh and Harbhej Singh, Jugraj Singh had been taken away on the date of occurrence by his step mother, Amandeep Kaur and that after sometime, he had come back.

8. In view of the aforesaid statement made by the complaint, the boy Jugraj Singh and the other witnesses, continuation of the proceedings in furtherance of the FIR shall be a gross misuse of process of law.

9. Consequently, present petition is allowed. FIR No.86 dated 09.06.2018 (Annexure P1) under Sections 365/34 IPC registered at Police Station Ajnala, District Amritsar and all other consequential proceedings arising therefrom, are hereby quashed.

04.03.2024
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>