



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235

CRM-M-15890-2019 (O&M)
Date of decision: 19.11.2024

Jasbir Kaur @ Jassi @ Biro and another **...Petitioner(s)**

Versus

State of Punjab and another **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

None for respondent No.2.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.063 dated 04.08.2017 under Sections 406, 498-A IPC registered at Police Station Women Cell, District Police Commissionerate Ludhiana (Annexure P-1); challan (Annexure P-2); summoning order dated 03.11.2018 (Annexure P-4); and order dated 03.08.2018 (Annexure P-5) passed by learned Civil Judge Junior Division, Ludhiana.

Learned counsel for the petitioners *inter alia* submits that although the petitioner No.2 had solemnized marriage with the complainant/respondent No.2 on 07.08.2015, however, the same was not consummated as the respondent No.2 is “*not a girl.*”



Learned counsel for the State, on instructions from SI Meet Ram, informs this Court that the trial in the present case is already at an advance stage as out of 15 prosecution witnesses, 4 witnesses stand examined.

Learned counsel for the State submits that in similar circumstances where trial was at its fag end, a Co-ordinate Bench of this Court declined to quash the FIR in ***“Sikandar Masih @ Shera & Ors. Vs. State of Punjab & Ors.”*** decided on 09.02.2023 Law Finder Doc ID 2213918, holding that *“...Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not”*.

Heard.

The contention raised by the petitioner is a matter of evidence and trial. As such, in view of the above undisputed factual and legal position, present petition stands disposed of with liberty to the petitioners to raise all pleas before the learned trial Court, if so advised.



Pending application, if any, stands disposed of.

19.11.2024
Divyanshi

(NIDHI GUPTA)s
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No