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

CRM-M-11411-2022

Date of Decision:- 23.08.2024

GURPREET KAUR & ANR

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. N.S. Dandiwal, Advocate for the petitioners.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioners – Gurpreet Kaur and Satwinder Singh have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No.225 dated 09.10.2021 under Sections 373 and 120-B IPC (Section 370 (1) IPC, Section 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 were added later-on) registered at Police Station Canal Colony Bathinda, District Bathinda qua petitioners (Annexure P-1) or any other order or direction which the Court may deem fit and proper in the facts and circumstances of the present case.

2. As per the facts narrated in the aforesaid FIR (Annexure P-1), SI Balwinder Singh and his police party were present in their government vehicle in connection with routine patrolling duty near Goodwill Hospital,



Paras Ram Chowk, Bathinda. The Investigating Officer received information that Pooja and her husband Sonu were doing the business of selling their children to needy persons and earlier they had sold their two daughters by taking huge money from needy families. On 03.10.2021 Pooja and Sonu in connivance with Peter Harry and Guddo @ Treja Harry, Gurmeet Kaur, Rashpal Kaur had sold their newly born baby of two days in front of Goodwill Hospital, Bathinda to Satwinder Singh and his wife Gurpreet Kaur by taking huge amount. Since the information was reliable, ruqa was sent to the Police Station for registration of FIR. Raid was conducted. Present petitioners along with newly born child were also apprehended. Child was handed over to natural mother Pooja. During the course of investigation, cash amount was also recovered. After completion of investigation, challan was presented against present petitioners along with other co-accused.

3. Learned counsel for petitioner argued that they are falsely implicated in this case. Both petitioners got married on 24.01.2005 that due to medical problem they could not bear a child. Medical treatment record is placed on record as Annexure P-2. Thereafter, petitioners decided to adopt a child from Orphanage. They came in contact with Tejinder Kaur Babbar who was running an institute and used to help issue-less couple to adopt a child. Petitioners were introduced with Pooja and Sonu who were having two sons and a daughter and they were unable to afford one more child. Present petitioners agreed to adopt the child from natural parents. However, somebody informed the police that Pooja and Sonu were habitual of selling their minor children to needy persons and in that connection present FIR was registered which is Annexure P-1. Present



petitioners have not committed any offence. Aforesaid facts do not indicate commission of offence under Sections 373, 370 (1) of IPC or 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015. No proper investigation was carried out by the police. Petitioners had bonafidely adopted the minor child. Natural parents were ready to execute and register the adoption deed. Without considering the aforesaid facts, challan has been presented in the Court which is Annexure P-3. No offence is made out against them. Therefore, FIR No.225 dated 09.10.2021 (*supra*) and further proceedings thereon may be quashed.

4. Petition is opposed by learned counsel representing State of Punjab. Detailed status report has been filed. It is pointed out that on the basis of secret information FIR was registered and thereafter all the accused involved in this case were arrested. During the course of investigation huge cash amount was recovered i.e. Rs.10,000/- from Peter Harry and Rs.40,000/- from Sonu and Rs.1,10,000/- from Gurmeet Kaur and Rashpal Kaur. Newly born child was also recovered from the possession of present petitioners. It is pointed out that after completion of investigation, challan is already presented in the Court. There are specific serious allegations which can be decided after recording evidence in the trial. Therefore, petition may be dismissed.

5. I have considered the arguments advanced before me. Present petition for quashing of FIR has been filed by Gurpreet Kaur and Satwinder Singh, the couple from whose possession newly born child was recovered. It is the case of petitioner that they had adopted child from natural parents Sonu and Pooja. However, there is no photographs to show ceremony of adoption nor is there any deed of adoption. As per prosecution



case from other co-accused huge cash amount to the tune of Rs.1.60 lakhs was recovered. After investigation of this case, challan is already presented. Obviously chargesheet will be framed by trial Court as per the allegations against the present petitioners and other co-accused. Petitioners are at liberty to raise their defence during the trial.

6. Considering the allegations, at this stage, I do not find a fit case for quashing of aforesaid FIR and the petition is accordingly declined.

7. My observations are made only for the disposal of present petition which will have no bearing on merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

23.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No