

CRM-M-15968-2024
Date of decision: 03.04.2024

Sukhdeep SinghPetitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.25 dated 26.05.2018 under Sections 323/498-A/506 of IPC registered at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-1) and consequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a permanent resident of New Zealand and the marriage of the petitioner was solemnized with respondent No.2 on 28.01.2017 at Amritsar, thereafter, in the month of March, 2017, the petitioner went back to New Zealand and respondent No.2 has joined his company in New Zealand in August, 2017 and all the expenses for facilitating the immigration for respondent No.2 was borne by the petitioner. Thereafter, on 28.09.2019, the petitioner and respondent No.2 came back to India. Respondent No.2 without

any sufficient cause left the company of the petitioner and refuse to accompany him to New Zealand. On 31.01.2018, respondent No.2 and her family members attacked the family members of the petitioner, on account of which, the petitioner filed a complaint before the jurisdictional police authorities in this regard and the petitioner left India on 26.02.2018. Thereafter, the FIR (*supra*) was registered on 26.05.2018 and the incident which has been mentioned in the FIR is of 31.03.2018 and at that time, the petitioner was not in India and all the allegations in the FIR (*supra*) are generic in nature and it is further contended that the FIR (*supra*) was registered as a counter blast made by the petitioner with regard to the incidents which has taken place on 31.01.2018. He further submits that he would be satisfied in case the aforesaid facts and the pleas taken in the present petition are taken into consideration by the Investigating Officer while preparing the final report under Section 173 Cr.P.C.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of respondent No.1-State and submits that he has no objection in case, the Investigating Officer is directed to consider the aforesaid facts and the pleas taken in the present petition before preparing a final report under Section 173 Cr.P.C.

Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider the aforesaid facts and the pleas taken in the present petition before preparing a final report under Section 173 of Cr.P.C.

It is clarified that in case a final report under Section 173 of Cr.P.C.

is against the petitioner, the petitioner would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section 173 Cr.P.C.

(HARPREET SINGH BRAR)
JUDGE

03.04.2024
Neha

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