

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

257

CRM-M-33274-2017

Date of Decision: 14.02.2024

Subeg Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 20 dated 18.02.2013 (Annexure P-2) registered under Sections 406, 498-A and 506 read with Section 34 IPC at Police Station Raja Sansi, District Amritsar (Rural) and all consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that the complainant in the present case is the brother of wife of petitioner No. 2-Rajinder Singh. Learned counsel has referred to para No. 1 of the reply dated 13.08.2018 filed by way of affidavit of Sh. Harpreet Singh, Deputy Superintendent of Police, Sub Division, Ajnala, District Amritsar (Rural), which reads as under:-

“1. That case FIR No. 20 dated 18.2.2013 u/s 498-A, 506, 34 IPC, Police Station Rajasansi, District Amritsar was registered on the written complaint of Respondent No. 2 after enquiry against Shabeg Singh-father in law, Rajinder Singh-husband, Lakhwinder Singh-Brother in law (Dewar) and Jaswant Kaur mother-in-law. Rajinder Singh is living

abroad and remaining three accused Shabeg Singh, Lakhwinder Singh and Jaswant Kaur have joined investigation. During investigation Jarnail Singh complainant submitted an application No. 380/BR-PC dated 01.04.2013 to get the matter enquired from other district. Hence enquiry was marked to Supdt. Of Police, Detective, Tarn Taran, who enquired the matter and complainant/applicant Jarnail Singh got recorded his statement before SP-Detective, Tarn Taran that with the intervention of respectable persons, both the parties have satisfied and matter has been compromised. Both parties shall file combine divorce case in the court and other articles have been exchanged with each other. The complainant/applicant further got recorded his statement that he does not have any object if instant case is sent for cancellation. Hence SP-Detective has concluded his enquiry report that both parties have compromised and shall not support the prosecution version and under such circumstances untraced report is liable to be initiated as with the intervention of respectable persons, both parties have compromised and mutually decided to get divorce in the competent court of law and whatever the articles of each other have been exchanged with each other. Both the parties have satisfied with each other and complainant party does not have objection if case is sent for cancellation. Consequently cancellation report has been prepared on 2.11.2013 and submitted for approval in this Court of Illaqa Magistrate vide No. 998-VRK dated 25.7.2016 but returned to submit the same alongwith complainant but the complainant has been gone abroad at that time and cancellation report could not be presented in the court and still pending approval. Hence, the petition deserve to be dismissed.”

It is submitted by learned counsel for the petitioners that from the above facts it is clear that cancellation report has been prepared in the matter way back on 02.11.2013 and is pending adjudication before the Illaqa Magistrate since 25.07.2016. However, the same is not being disposed of in view of the fact that the complainant has gone abroad.

Learned counsel for the State does not dispute the aforesaid facts and has placed on record a copy of order dated 12.05.2022, whereby the learned Sub Divisional Judicial Magistrate, Ajnala, had returned the cancellation report to the concerned police station and

directed the “same to be presented along with the complainant”.

Order dated 17.11.2017, passed by a co-ordinate Bench of this Court shows that it has been observed therein that “Notice issued to respondent No. 2 has been received back unserved with the report that he is out of the country”. Learned counsel for the petitioner submits that he has no means to get the latest address of the complainant who is abroad.

In view of the above, FIR No. 20 dated 18.02.2013 (Annexure P-2) registered under Sections 406, 498-A and 506 read with Section 34 IPC at Police Station Raja Sansi, District Amritsar (Rural) and all consequential proceedings arising therefrom, are quashed qua the present petitioners.

The instant petition stands disposed of, accordingly.

14.02.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No