

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.344 OF 2020
(@ out of SLP (Cr1.) No.247/2020)

MALKIAT KAUR & ANR.

Appellant(s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of final judgment and order dated 02.07.2019 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M-18707 of 2016 dismissing the application preferred by the appellants under Section 482 of the Code of Criminal Procedure.

FIR No.17 dated 6.8.2003 registered under Section 420 and 120B IPC, before P.S. Badani Kalan, Distt., Moga, was lodged on 6.8.2003, pursuant to which the present crime came to be registered.

The appellants before this Court are mother-in-law and sister-in-law of one Kuljit Kaur. In the crime, apart from the present appellants, the father-in-law of said Kuljit Kaur as well as the mediators who had settled the marriage were also arrayed as accused.

According to the allegations made in the First Information Report, soon after the marriage of said Kuljit Kaur with Jagmail Singh, demands for dowry were made and property was parted with in

satisfaction of those demands.

It is a matter of record that the present appellants have always been residing in Canada. They were declared proclaimed offenders and the trial against them was separated. The trial proceeded against the mediators who were acquitted of the charges leveled against them. Thereafter at the instance of father-in-law, the proceedings initiated against him were quashed by the High Court vide order dated 25.01.2007.

It is true that the appellants were declared proclaimed offenders and their trial had to be separated. However, considering the allegations levelled against them in the First Information Report as well as the facts and circumstances on record, in our view, ends of justice would be made if the application preferred by them under Section 482 Cr.P.C. is allowed.

We, therefore, allow this appeal, set aside the view taken by the High Court and allow the application preferred under Section 482 Cr.P.C. .

Consequently, FIR No.17 dated 6.8.2003 registered under Section 420 and 120B IPC, before P.S. Badani Kalan, Distt., Moga, against the present appellants stands quashed.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi
February 24, 2020.

ITEM NO.32

COURT NO.6

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 247/2020

(Arising out of impugned final judgment and order dated 02-07-2019 in CRMM No. 18707/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

MALKIAT KAUR & ANR.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

Date : 24-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Ms. S. Janani, AOR
Mr. Nishant Kumar, Adv.

For Respondent(s) Mrs. Jaspreet Gogia, AOR
Ms. Mandakini Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stands disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(SUMAN JAIN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)