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Whether only operative part of the judgment is Pronounced or the full judgment is pronounced:		operative part/full judgment
Yes	No	
No	Yes	
No	No	
Yes	Yes	

RAJINDER KAUR GILL AND ANR. ...Petitioners

Versus

(2) CRM-M-50383-2025

KAPOOR SINGH GILL **...Petitioner**

Versus

NAVNEET KAPOOR GILL AND ORS. Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Amandeep Singh Jawandha, Advocate,
Mr. Jaspreet Singh Sran, Advocate and
Ms. Sandeep Kaur Sahota, Advocate
for the petitioners (in both petitions).

Mr. Ishan Gupta, Advocate,
Ms. Muskan Gupta, Advocate and
Ms. Shivani Sahni, Advocate
for the respondents (in both petitions).

MANDEEP PANNU, J.

1. By this common judgment/order, this Court proposes to decide the aforesaid petitions, being connected and challenging the same order.



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2. Both the petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the complaint bearing No. COMA-48590 of 2024 under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Ludhiana, as well as the order dated 07.12.2024 whereby notice was issued to the petitioners and the consequential proceedings arising therefrom.

3. Brief facts of the present case are that respondent No.1, Navneet Kapoor Gill, filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking reliefs under Sections 17, 18, 19, 20, 22 and 23 of the Act against her husband Kapoor Singh Gill, mother-in-law Rajinder Kaur Gill and sister-in-law Gagandeep Kaur. It was alleged that after the marriage, the complainant was subjected to physical and mental cruelty, harassment and taunts on account of dowry and was repeatedly pressurized to leave her employment. She alleged that the husband, along with his mother and sister, subjected her to beatings on different occasions and that she was physically assaulted and mentally harassed. It was further alleged that at the time of marriage, substantial gold ornaments and other valuable articles were given to the complainant as her *istridhan*, which were entrusted to and kept by the husband and mother-in-law, and that despite repeated demands, the said gold articles and other *istridhan* were not returned and were misappropriated by them. The complainant further alleged that the husband subsequently started living separately, neglected to provide adequate financial support to her and their



daughters and threatened to sever the matrimonial relationship. She also raised a dispute regarding certain properties and assets of the family, alleging that the respondents were attempting to alienate, mortgage or transfer the same and thereby defeat her rights therein. She accordingly sought protection orders, residence orders, monetary relief and compensation under Sections 18 to 22 of the Act, besides interim restraint against alienation or transfer of the property. The learned JMIC, Ludhiana, vide order dated 07.12.2024, registered the complaint, issued notice to the respondents and called for a report from the CDPO. The present petitions have been filed by the husband and mother-in-law seeking quashing of the said complaint, the order dated 07.12.2024 and all consequential proceedings.

4. Learned counsel for the petitioners, namely Kapoor Singh Gill, Rajinder Kaur Gill and Gagandeep Kaur Gill, submits that the impugned complaint under the Protection of Women from Domestic Violence Act, 2005, is a counterblast to the various proceedings initiated by the petitioner-husband and has been filed with the ulterior motive of harassing and humiliating the petitioners. It is argued that the complainant has concealed material facts from the learned Magistrate and has invoked the provisions of the DV Act only to exert mental pressure upon the petitioners and their family members. It is further submitted that the parties had already entered into a compromise dated 23.02.2023, pursuant to which the petitioner-husband had acted upon his obligations, including transfer of his share in Shop No.41, Ground Floor, Block-B, City Centre, Sector-115, SAS Nagar



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(Mohali) in favour of the complainant. The complainant, however, failed to honour her part of the compromise and instead initiated the present proceedings. It is contended that the subsequent conduct of the complainant clearly demonstrates that the impugned complaint is an abuse of the process of law and has been filed to pressurize the petitioners in the collateral litigation pending between the parties.

5. Learned counsel further submits that the allegations contained in the complaint are vague, general and omnibus in nature and that no specific date or particulars of the alleged incidents of domestic violence have been disclosed. According to counsel, there is no material placed on record to substantiate the alleged acts of physical or mental violence against the petitioners. It is argued that the ingredients of the DV Act are not attracted merely on the basis of bald and unsubstantiated allegations and that continuation of the proceedings would amount to unnecessary harassment of the petitioners. It is also submitted that the dispute between the parties is essentially matrimonial and property-related in nature. Learned counsel refers to the compromise dated 23.02.2023, the subsequent transfer of property and other transactions between the parties to contend that the complainant is attempting to give a criminal colour to disputes which are otherwise civil in nature. It is further submitted that the father of petitioner-husband had executed a Will dated 09.03.2022 in favour of the complainant out of love and affection and, pursuant thereto, the complainant also inherited a share in the estate, which according to the petitioners belies the allegations made in the complaint regarding their conduct towards her.



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Learned counsel further submits that the complaint has been filed afterthought and without disclosing the complete background of the matrimonial relationship and the compromise between the parties. The proceedings, therefore, are stated to be nothing but an abuse of the process of law, intended to harass the petitioners and to extract further benefits from them. On these grounds, learned counsel for the petitioners prays that the impugned complaint bearing No. COMA-48590 of 2024 under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, and the order dated 07.12.2024 passed by the learned Judicial Magistrate First Class, Ludhiana, as well as all consequential proceedings, be quashed qua the petitioners.

6. Learned counsel for the respondents, namely Navneet Kapoor Gill and her two minor daughters, opposes the present petition and submits that the impugned complaint under the Protection of Women from Domestic Violence Act, 2005, discloses specific and serious allegations of physical, mental and economic abuse committed upon respondent No.1 and her daughters. It is submitted that the allegations are not vague or omnibus, as specific instances of physical violence, harassment, humiliation and deprivation have been pleaded. It is further submitted that after the birth of the elder daughter, respondent No.1 was subjected to merciless beatings by the petitioner-husband and his mother, compelling her to approach the SSP, Mohali and SHO, Sohana on 22.04.2013. Although the matter was thereafter compromised through intervention of respectable persons, the alleged acts of cruelty did not come to an end. After the birth of the second daughter, the



conduct of the petitioner-husband and his mother allegedly became more hostile, as respondent No.1 was repeatedly humiliated and blamed for not giving birth to a male child.

7. Learned counsel further submits that respondent No.1 was also compelled to bring gold articles from her parental family for the purpose of maintaining peace in the matrimonial home. It is alleged that the gold articles were entrusted to the petitioners and were thereafter retained and misappropriated by them. Thus, according to learned counsel, the complaint contains specific allegations concerning entrustment and subsequent misappropriation of the *istridhan* and other valuable articles of respondent No.1. It is further submitted that the allegations are also supported by documentary material, including the earlier complaint dated 22.04.2013, bills relating to the gold articles and the MLR pertaining to the subsequent incident of physical assault. Learned counsel submits that on 16.08.2022, after the death of the father-in-law of respondent No.1, the petitioner-husband and his mother again physically assaulted respondent No.1, as a result of which she was required to seek medical treatment. Learned counsel also submits that the father-in-law of respondent No.1, Late Sh. Raghbir Singh, had executed a registered Will dated 09.03.2022 specifically bequeathing Shop No.41, Ground Floor, City Centre, Sector-115, SAS Nagar (Mohali), in favour of respondent No.1. It is alleged that despite being aware of the said Will and respondent No.1's entitlement, the petitioner-husband and his mother, in a pre-planned manner, procured change of nomination and



got the property dealt with in their own names, thereby depriving respondent No.1 of the property bequeathed to her.

8. It is further contended that the petitioner-husband also sold the matrimonial house and, despite assuring respondent No.1 that the sale proceeds would be utilized for her financial security and the future of the minor daughters, dishonestly appropriated the entire sale consideration, abandoned respondent No.1 and the children and failed to provide them financial support or maintenance. According to learned counsel, these acts constitute economic abuse within the meaning of the DV Act. Learned counsel further submits that the compromise relied upon by the petitioners was never genuinely acted upon by them. Rather, the petitioner-husband allegedly used the compromise to obtain the benefit of anticipatory bail and thereafter failed to honour its terms, including the obligations relating to transfer of property and providing financial security to respondent No.1 and the daughters. It is submitted that, apart from the Brezza car, the obligations contemplated under the compromise were not fulfilled. On these grounds, learned counsel submits that the complaint cannot be termed an abuse of the process of law merely because there is collateral litigation between the parties. The allegations raised therein disclose continuing acts of physical, mental and economic abuse and require adjudication by the learned Magistrate on the basis of evidence. It is, therefore, argued that at the stage of considering a petition for quashing, the disputed allegations and the defence sought to be raised by the petitioners cannot be examined as if this



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Court were conducting a trial. Learned counsel accordingly prays for dismissal of the present petitions.

9. I have heard learned counsel for the petitioners as well as learned counsel for the respondents and have gone through the record carefully.

10. The material on record shows that the matrimonial relationship between respondent No.1 and petitioner Kapoor Singh Gill has continued for about 18 years. However, the complaint under the Protection of Women from Domestic Violence Act, 2005, contains allegations of physical, mental as well as economic abuse. Respondent No.1 has alleged that after the birth of her elder daughter, she was subjected to beatings by her husband and mother-in-law and that, in this regard, she submitted a complaint to the SSP, Mohali and SHO, Sohana on 22.04.2013. Though the said matter was subsequently compromised, respondent No.1 alleges that the conduct of the husband and mother-in-law again became hostile after the birth of the second daughter and that she was humiliated and harassed for not giving birth to a male child.

11. There are further allegations that respondent No.1 was compelled to bring gold articles from her parental family for maintaining peace in the matrimonial home and that the said articles were entrusted to the petitioners and thereafter retained and misappropriated. The complaint also refers to bills relating to the gold articles. Thus, the allegation regarding *istridhan* is not merely a general allegation, but includes an allegation of entrustment and retention of specific valuable articles.



12. The complaint further alleges that after the death of the father-in-law of respondent No.1, the conduct of the husband and mother-in-law became hostile and that on 16.08.2022 they physically assaulted respondent No.1, pursuant to which she had to seek medical treatment. The MLR relating to the said incident has also been placed on record. There are also allegations concerning the Will dated 09.03.2022 executed by Late Sh. Raghbir Singh, whereby Shop No.41, Ground Floor, City Centre, Sector-115, SAS Nagar (Mohali), was specifically bequeathed in favour of respondent No.1. It is alleged that despite being aware of the said Will, the husband and mother-in-law took steps which deprived respondent No.1 of the benefit of the property bequeathed to her.

13. Respondent No.1 has further alleged that the matrimonial house was sold by the petitioner-husband and that he had assured her that the sale proceeds would be utilized for her financial security and for securing the future of the minor daughters. According to her, after sale of the property, the petitioner-husband appropriated the sale consideration, abandoned her and the minor daughters and failed to provide financial support and maintenance. Thus, the complaint contains allegations of physical, mental and economic abuse which cannot, at this stage, be brushed aside as wholly vague or inherently improbable.

14. At this stage, it would also be appropriate to bear in mind the law laid down by the Hon'ble Supreme Court in ***Pravin Kumar vs. The State of Uttar Pradesh and ors., Criminal Appeal Nos. 4353-4354 of 2025***, decided on **16.09.2025**, wherein the Hon'ble Supreme Court set aside an



order quashing the FIR and reiterated that a detailed appreciation of the prosecution evidence and the defence of the accused, amounting to a mini-trial, is impermissible while considering a petition for quashing. The Court held that the truthfulness of the allegations and the evidentiary value of the material relied upon by the respective parties are matters to be adjudicated by the trial Court and not to be conclusively determined in proceedings seeking quashing.

15. Applying the aforesaid principle to the present case, this Court cannot undertake a detailed appreciation of the rival material or adjudicate upon disputed questions of fact at this stage. The defence of the petitioners that the complaint is a counterblast, that the compromise dated 23.02.2023 was duly acted upon or that the allegations regarding the property and *istridhan* are incorrect are matters which require appreciation of evidence. The existence of earlier complaints, the MLR, the documents relating to gold articles, the Will and the alleged transactions concerning the properties constitute matters which cannot be conclusively evaluated in favour of the petitioners in exercise of the limited jurisdiction of this Court.

16. Consequently, this Court finds that sufficient allegations are available on record against petitioner Kapoor Singh Gill and petitioner Rajinder Kaur Gill to warrant continuation of the proceedings before the learned Magistrate. Whether the allegations ultimately stand proved is a matter for the learned trial Court. No opinion is being expressed on the merits of the allegations.



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17. So far as petitioner Gagandeep Kaur Gill, the sister-in-law of respondent No.1, is concerned, however, the position stands on a different footing. On a careful consideration of the allegations contained in the complaint, this Court finds that she has essentially been roped in on account of her relationship with the petitioner-husband. There is no specific allegation attributing any particular act of physical assault, mental harassment or economic abuse to her. In particular, there is no specific allegation that she was entrusted with any *istridhan* or gold articles of respondent No.1 or that she had retained, converted or misappropriated any such articles. The allegations regarding the gold articles and their alleged misappropriation are directed against the husband and mother-in-law and cannot, in the absence of any specific attribution, be mechanically extended to the sister-in-law. It is also relevant that the marriage between respondent No.1 and the petitioner-husband has subsisted for about 18 years. In the absence of any specific material showing the role of Gagandeep Kaur Gill in the alleged acts of domestic violence or in the alleged retention or misappropriation of *istridhan*, merely because she is the sister of the husband would not be sufficient to continue the proceedings against her. The complaint does not disclose any distinct or specific act on her part which would constitute domestic violence within the meaning of the Act. Reliance has been placed upon the judgment of Hon'ble Supreme Court in "***Dara Lakshmi Narayana & Others Vs. State of Telangana & Another***", 2025(1) ***RCR(Criminal) 151 wherein it has been held that:-***

25. A mere reference to the names of family members in a criminal case arising out of a



matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

18. Consequently, this Court finds that no ground is made out for quashing the complaint and consequential proceedings against petitioner Kapoor Singh Gill and petitioner Rajinder Kaur Gill. However, insofar as petitioner Gagandeep Kaur Gill is concerned, continuation of the proceedings against her, in the absence of any specific allegation or material attributing an independent role to her, would amount to an abuse of the process of law.

19. Accordingly, *CRM-M-50383 of 2025* filed by petitioner Kapoor Singh Gill is dismissed and *CRM-M-52746 of 2025* filed by petitioners Rajinder Kaur Gill and Gagandeep Kaur Gill is partly allowed. The proceedings arising out of complaint No. COMA-48590 of 2024 under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate

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First Class, Ludhiana, are quashed qua petitioner Gagandeep Kaur Gill only.
The petitions qua petitioner Kapoor Singh Gill and petitioner Rajinder Kaur
Gill are dismissed.

20. All pending applications, if any, also stand disposed of.

18.08.2026
Anu

(MANDEEP PANNU)
JUDGE

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