

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

(1) CRM-M-21280-2016(O&M)

Davinder Singh and another

...Petitioners

Versus

The State of Punjab and another

...Respondents

(2) CRM-M-27299-2016(O&M)

Inderpal Singh through General Power of attorney Davinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

Date of Decision:12.10.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.R.K. Bajaj, Advocate with
Mr.Ishpreet Singh, Advocate
for the petitioner(s).

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J.(ORAL)

Vide this order, I propose to dispose of **CRM-M-21280-
2016 and CRM-M-27299-2016.**

Petitioners Davinder Singh and Surjit Kaur petitioners in CRM-M-21280-2016 and petitioner Inderpal Singh through his father and General Power of Attorney Sh.Davinder Singh petitioner in CRM-M-27299-2016 have brought the abovesaid petitions under Section 482 Cr.P.C. for quashing of the complaint No.123/15 dated 7.4.2015 under Sections 498-A and 406 IPC and summoning order dated 23.5.2016 passed by JMIC, Jalandhar along with all consequential proceedings arising therefrom.

Inter alia, in the petitions the petitioners have contended that the marriage between petitioner Inderpal Singh was solemnized with Baljit Kaur, arrayed as respondent No.2 in the present petition on 9.2.2012; that after about two months of the marriage, Inderpal Singh left for Germany; Baljit Kaur was to follow him, however for migration to Germany, a person should have knowledge of German language, therefore, Baljit Kaur had joined Chandigarh College for learning such language and completed the course in three months; that all the expenses were borne by Inderpal Singh; that Inderpal Singh had sent visa and ticket to facilitate migration of Baljit Kaur to Germany; she went there, stayed there for about 10 months and then the couple returned to India on 11.12.2013; that during stay of Baljit Kaur in Germany, a matrimonial discord had taken place between Inderpal Singh and Baljit Kaur for the reason that Baljit Kaur had been keeping illicit relations with one Randeep Lacher; that on 14.12.2013 Baljit Kaur left the matrimonial home and on 23.8.2014, she had filed a complaint against her husband and parents-in-law with the police; the matter was inquired into and the allegations in the complaint were found to be false and

frivolous; that such report was approved by the higher police officers up to the rank of Commissioner of Police, Jalandhar, thereafter the complainant brought a private complaint in the Court of Judicial Magistrate Ist Class, Jalandhar on the allegations of her husband and parents-in-law harassing and torturing her on account of demand of dowry. According to the petitioners, the complaint and subsequent proceedings are abuse of process of law, therefore, the same be quashed.

Notice of the petitions was issued to respondents and respondent No.1 – State appeared through counsel, whereas initially counsel for respondent No.2 has put in appearance but later on failed to appear.

I have heard learned counsel for the parties besides going through the record.

The petitioners have placed on file the transcript of messages exchanged between the complainant Baljit Kaur and her boy friend, namely, Randeep Lacher, which points out towards illicit relations between two of them. The concluding part of the report submitted by Assistant Commissioner of Police(Local), Jalandhar dated 11.8.2014 with regard to the complaints submitted by complainant Baljit Kaur to the police levelling allegations of harassment and torture at the hands of her husband and in-laws on account of demand of dowry and criminal breach of trust with respect to her dowry articles, as as under:

From the deep rooted and discreet investigation of the complaint, the matter of mental as well as physical harassment to the complainant by her husband Inderpal Singh and in-laws family and turning her out from the

house is not proved and the dispute has arisen due to differences in their livings and tastes a dispute was arisen between them during their stay at German. The complainant Baljit Kaur is moving false complaints against her husband Inderpal Singh and in-laws family by levelling false allegations, which has no truth in it. From the bare perusal of enquiry, no offence is made out for interference of the police as such finding no requirement of another action, the complaint is recommended to be filed in.

Whereas, in the report submitted by Deputy Commissioner Police cum Addl. Deputy Commissioner Police Local and Security, Jalandhar, similar conclusion has been reached. Thereafter, on the same allegations the complainant had filed the criminal complaint, in which the accused have been summoned.

The marriage between the spouses has since been dissolved by a decree of divorce by mutual consent vide judgment dated 23.10.2017 passed by Additional District Judge, Jalandhar. A perusal of this judgment goes to show that she had received a sum of Rs.13 lakhs from her husband in lieu of claim of dowry and past, present and future maintenance and both the parties had decided to withdraw all the cases against each other.

In light of such decree and the settlement between the parties, I find that further pursuing of the complaint by the complainant is uncalled for. Rather the complaint and ancillary proceedings are found to be an abuse of process of law and it shall be in the fitness of things, if

both the petitions are allowed.

Ordered accordingly.

Accordingly, the petitions are allowed and the abovesaid
complaint alongwith ancillary proceedings is hereby quashed.

(H.S.MADAAN)
JUDGE

12.10.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No