

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M- 46171 of 2021 (O&M)
Date of Decision: 28.1.2022**

Amrinder Singh Dhillon

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Lupil Gupta Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking appropriate direction to respondent No. 3 to consider and decide the complaint dated 20th of May, 2021 (Annexure P/5) and to take strict action against the private respondents on the basis of the complaint as well as register a FIR under the appropriate sections of IPC .

2. In brief, it is alleged that the marriage between the petitioner and respondent No. 5 was solemnised on 28th of February 2016. At the time of the marriage, gold articles were given to respondent No. 5 by the parents of the petitioner which are in her possession. It is contended that once the petitioner asked for return of the said gold ornaments, but the private respondents did not return the same. It is contended that the petitioner made all arrangements to obtain a permanent resident visa for respondent No. 5,

as he was resident of Canada. Out of this wedlock, one male child was born on 9th of March 2018. It is alleged that respondent No. 5 was a lady of quarrelsome nature and did not make an effort to adjust in the marriage. It came to the knowledge of the petitioner that respondent No. 5 had already solemnised a marriage with respondent No. 10 i.e Sunil Kumar which marriage was not acceptable to the parents of respondent No. 5. Both respondents No. 5 and 10 had filed a civil suit seeking permanent injunction against the parents of respondent No. 5 which was later dismissed as withdrawn by order dated 31st of May 2014. It is submitted that respondent No. 5 and her parents did not disclose about the subsistence of the 1st marriage of respondent No. 5 and therefore had fraudulently got her marriage to the petitioner herein. It is submitted that the petitioner has been kept in dark regarding the current marital status at the time when the marriage was performed between the petitioner and respondent No. 5. It is also argued that respondent No. 5 has illegally withdrawn an amount of ₹15 lakhs lying in the joint bank account of the petitioner and has misappropriated the same. Apart from that the respondent No. 5 has obtained an amount of ₹42 lakhs as permanent alimony by way of a divorce petition by playing of fraud upon the petitioner as she was not his legally wedded wife. A divorce has been obtained on 8th of April 2021. The petitioner has made a complaint dated 20th of May, 2021 regarding the whole facts and has requested for registration of a criminal case against the private respondents No. 5 to 10.

3. I have heard the learned counsel for the petitioner and find no

merit in this petition and consequently the same deserves to be dismissed.

4. The petitioner herein alleges that a fraud has been played upon him, as it was not disclosed that respondent No. 5—Maninder Kaur was already married at the time when his marriage was solemnised with her on 28th of February, 2016. It is contended that the petitioner was made aware sometime in the year 2018 about the Civil Suit filed by Maninder Kaur and Sunil Kumar seeking an injunction against her parents. However, from the documents relied upon, which is nothing but a court order withdrawing the said suit on 31st of May, 2014, it cannot be gathered that the marriage was still in subsistence at the time when the marriage was solemnised between the petitioner and respondent No. 5. As per the own averments of the petitioner, he became aware of Maninder Kaur's 1st marriage as far back as 2018, but it appears he took no effort at that point to raise the allegation of fraud. The contention that he has paid an amount of ₹42 lakhs as permanent alimony in divorce proceedings in Calgary cannot be gone into at this juncture. Even the allegation that she had illegally withdrawn an amount from a joint account is not the subject matter for this court to go into.

5. If the petitioner is aggrieved, he has a remedy of approaching the courts below by way of filing a complaint and leading evidence to prove his case. Consequently this petition is dismissed for want of merit.

28.1.2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :

Yes

Whether Reportable :

No