

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-21989-2019(O&M)
Date of order: 18.03.2024

Jaspal Kaur

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Kanwaljit Singh, Senior Advocate with
Mr. Robin Gill, Advocate
for thepetitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. P.S. Ahluwalia, Advocate
for respondent No.6.

Nidhi Gupta, J.

CRM-23311-2022

This is an application under Section 482 Cr.P.C. for placing on record Divorce judgment dated 08.10.2021 passed by The Queen’s Bench (Family Division) Winnipeg Centre; Certificate of Divorce dated 29.11.2021 issued by The Queen’s Bench; consent order dated 29.09.2020 passed by Supreme Court of British Columbia regarding custody of child; and photographs showing that respondent No.6 has re-married as Annexure P-8 to P-11 respectively and to dispense with filing of certified/typed copies of the same.

After going through the contents of the application, which is supported by affidavit of the applicant/petitioner, the same is

allowed subject to all just exceptions and above mentioned documents/judgments are taken on record.

MAIN CASE

Present petition under Section 482 Cr.P.C. is filed seeking issuance of directions to respondents No.3 and 5 not to harass and threaten the petitioner and her family members wrongly and illegally at the instance of respondent No.6, who is giving false complaints against the petitioner and her family members and is a very influential person being very close to respondent No.5.

2. Learned Senior Counsel for the petitioner inter alia submits that petitioner is 60 year old mother-in-law of the complainant/respondent No.6 herein. It is submitted that brief background of the case is that son of the petitioner namely Gurdeep Singh was married to the complainant on 30.08.2014. Complainant is a citizen of Canada. As such, she returned to Canada after about one month of marriage. Complainant's husband/son of the petitioner followed her to Canada in February, 2016. On 2.3.2017, a daughter was born out of this wedlock in Canada. Thereafter, they both returned to India for a few days only in June, 2018 when daughter of the petitioner had to be married. It is submitted that accordingly, the petitioner has been in touch with the complainant only for a few days. It is stated that after the marriage of the daughter of the petitioner in June 2018, the complainant and the son of the petitioner returned to Canada on 6.7.2018, without any complaint. Upon returning to Canada, parents of the complainant started pressurizing son of the

petitioner namely Gurdeep Singh to sell his land in India and purchase a house in Vancouver, where parents of the complainant lived. As Gurdeep Singh did not accede to the unreasonable demands of the complainant and her parents, the complainant came to India and filed a false and frivolous case under Section 406, 498–A, 506 IPC dated 23.10.2018 (Annexure P1) against the petitioner, and her family members.

3. It is submitted that after thorough investigation of the matter, the DSP Headquarters, Sangrur vide report dated 02.01.2019 (Annexure P2) recommended that no police action was required in the said complaint as the allegations made therein were found to be wholly untruthful and false.

4. Thereafter the complainant filed a second complaint dated 10.01.2019 (Annexure P3) to SSP Sangrur/respondent No.4 herein seeking transfer of enquiry in view of the above said report submitted by the DSP Sangrur. Learned Senior Counsel refers to inquiry report dated 06.04.2019 (Annexure P4) conducted by SP, Sangrur, whereby again after detailed inquiry, the allegations made by the complainant were found to be false and accordingly, it was recommended that the said complaint be filed.

5. It is submitted that now the complainant has made the present/third complaint dated 16.1.2019 (Annexure R6/1) to NRI Cell, which is pending before respondent No.5. Learned Senior Counsel submits that the petitioner is an old-aged lady and her husband is suffering from paralysis from the last 20 years and is unable to move without any help. Daughter of the petitioner is already married. Complainant is settled in

Canada. Yet, the complainant continues to keep moving false complaints against the petitioner purely to harass and torture her. It is submitted that the petitioner is summoned time and again in these complaints filed by the complainant. It is stated that being an old lady whose husband is paralytic, this constant summoning causes great harassment and trouble to the petitioner and her husband. Learned Senior Counsel states that in respect of the present complaint, the petitioner and her husband were summoned to the NRI Cell, Sangrur on 22.05.2019, whereupon the petitioner had appeared before the In-charge and had apprised them regarding exoneration of the petitioner in the earlier inquiries conducted by the Investigating Agency. It is submitted that the petitioner has requested respondent No.5 several times to close the complaint however, to no avail. In this regard, the petitioner had even submitted an application dated 29.04.2019 (Annexure P5) to the DGP Punjab, Chandigarh, however, no action has been taken thereupon. It is submitted that this is so, because the complainant is very close to respondent no.5 and is thus, misusing the process of law to harass the petitioner.

6. Learned Senior Counsel further informs that son of the petitioner and the complainant have resided in Canada throughout. The petitioner has no day-to-day connection with them. The allegations made in the complaints are false and fabricated. It is submitted that thereafter, the parties have even been granted divorce by a Court in Canada on 08.10.2021 and decree of divorce is on record as Annexure P8.

7. In support, learned Senior Counsel relies upon judgment of Hon'ble Supreme Court in **"Krishna Lal Chawla & Ors. Vs. State of UP**

&Anr.” Law Finder Doc ID # 1816686; and judgment of this Court in CRM-M-18244-2008 titled as **“Jaswinder Singh Vs. state of Punjab & Others”** decided on 12.1.2009.

8. Learned State Counsel files status report dated 18.03.2024 by way of affidavit of Gurbans Singh Bains, PPS, Deputy Superintendent of Police, NRI Wing, Patiala on behalf of respondents No.1, 2, 3 and 5, which is taken on record.

9. Per contra, learned counsel for the complainant/respondent No.6 vehemently opposes the prayer and assertions made on behalf of the petitioner. Learned counsel refers to Para 6 of the aforesaid status report filed by learned State Counsel wherein it is stated as under:-

“6. That perusal of record, further revealed that Komal Kiran Kaur party appeared before the Assistant Inspector General of Police, NRI Wing, Patiala and after hearing her, the application submitted by Komal Kiran Kaur, which was marked by the Assistant Inspector General of Police, NRI Wing, Patiala to, Station House Officer, Police Station, NRI, Sangrur on 23.01.2019 was called back in compliance of order dated 2.5.2019 passed by Ld. Additional Director General of Police, NRI on the application/representation filed by petitioner Jaspal Kaur and after going through the entire facts of the case and statements recorded by Station House Officer, Police Station, NRI, Sangrur very carefully, a report was prepared by the Assistant Inspector General of Police, NRI Wing, Patiala, was sent to the Additional Director General of Police, NRI Wing. S.A.S. Nagar for approval on 13.6.2019. Whereupon, necessary approval was granted by the Additional Director General of

Police, N.R.I. Wing and vide letter dated 20.6.2019. However, in the meantime order dated 12.6.2019 passed by the Hon'ble Court, in the C.M. No. 19121 of 2019 in CRM-M No. 21989 of 2019 was received in the office of Assistant Inspector General of Police, NRI Wing, Patiala on 20.6.2019 through Senior Superintendent of Police, Sangrur. On the receipt of order dated 12.6.2019 all the proceedings were withheld. The papers were called back from NRI Wing Sangrur immediately and further a report was sent to the Additional Director General of Police, NRI Wing, S.A.S. Nagar, whereupon the papers were ordered by the Additional Director General of Police, NRI Wing, to be kept pending till disposal by Hon'ble High Court. In view of the facts stated above, order dated 12.6.2019 passed by the Hon'ble Court has been complied with in letter and spirit."

10. It is submitted that once the inquiry under the direct orders of ADGP Punjab had been marked to AIG, NRI Wing, Patiala, there was no occasion with the police of Sangrur to conduct an inquiry in the matter. It is contended that accordingly, the so-called second inquiry conducted by the authorities was non-est in law.

11. It is reiterated that a perusal of the petition would reveal that solitary emphasis made in the course of averments is that two inquiries have been conducted into the matter, therefore, third inquiry is not permissible. It is submitted that there is only one inquiry which was conducted by the police at Sangrur. The inquiry of DSP was never approved by SSP, Sangrur and therefore the matter had been entrusted to a senior Officer. It is submitted that the DSP, Sangrur had never given any recommendation which has been decided or accepted by the SSP, Sangrur.

After SSP, Sangrur entrusted the inquiry to Superintendent of Police,

Sangrur, the complainant had approached the NRI Wing knowing fully well that she will not get justice from the local police. Once the inquiry under the direct orders of ADGP, Punjab had been marked to AIG, NRI Wing, Patiala, there was no occasion with the police at Sangrur to conduct an inquiry in the matter. It is, thus, apparent that only one inquiry which has been conducted at Sangrur is in contravention of the orders of the ADGP, Punjab, Chandigarh and, therefore, there is no merit in the instant petition since the inquiry in question is being conducted since January, 2019, much prior to the report having been given by the Officer at Sangrur.

12. It is further submitted on behalf of respondent No.6/complainant that in the present case, the petitioner has concealed the true and material facts from this Hon'ble Court that after moving the application on 10.01.2019, the then SSP, Sangrur had marked the complaint to Superintendent of Police (Operations), at Sangrur. However, the complainant was convinced that she would not get any justice at Sangrur since the petitioner yielded political influence there, it was for this reason that immediately thereafter, on 16.01.2019, she approached the ADGP, NRI Wing, Punjab that the application so moved by her before the SSP, Sangrur be transferred to NRI Wing, Punjab at Chandigarh. On the aforesaid application, the then ADGP, NRI Wing transferred the inquiry of the case to AIG, NRI, Patiala. A true translated copy of the complaint along with order of ADGP, NRI Wing, is placed on record as Annexure R6/1. Further stated that, in the present case, a bare perusal of the record would reveal that even official communication to this extent was sent by ADGP to AIG, NRI Wing on 18.01.2019. A true translated copy of the letter is placed on record

as Annexure R6/2. It is accordingly prayed that present petition be dismissed.

13. Learned State Counsel on instructions submits that approval was granted by the ADGP NRI Wing for conduct of inquiry in the matter vide letter dated 20.06.2019. However, vide order dated 12.06.2019, a Co-ordinate Bench of this Court had stayed the proceedings.

14. No other argument is made on behalf of the parties.

15. I have heard learned counsel for the parties and perused the case file in detail.

16. Perusal of order sheets shows that while issuing notice in the matter vide order dated 14.05.2019 it was also directed therein by a Coordinate Bench of this Court that *"Meanwhile, conducting of third inquiry by Sub-Inspector of police shall remain stayed"*. However, despite the above said order dated 14.5.2019 passed by this Court, AIG, NRI Wing, Patiala started the inquiry. This fact was brought to the notice of this Court. Accordingly, vide order dated 12.06.2019, an order was passed by a Co-ordinate Bench of this Court wherein notice was issued to AIG, NRI Wing, Patiala for the date fixed and the inquiry before him was also stayed. Accordingly, a direction was issued to respondent No.5 not to proceed with the application/complaint dated 16.01.2019 (Annexure R6/2 and Annexure R6/1) as the same allegations as those contained in Annexure R6/1 have already been inquired into and the petitioner has been exonerated thereupon.

17. The factual matrix of this case has already been noticed here in above in the submissions made by the parties. It may be briefly encapsulated as follows for further clarity: –

30.8.2014 – Son of the petitioner namely Gurdeep Singh was married to the complainant on 30.08.2014.

September 2014 - Complainant is a citizen of Canada. As such, she returned to Canada after about one month of marriage.

February 2016 – Complainant's husband/son of the petitioner followed the complainant to Canada in February, 2016.

2.3.2017 - On 2.3.2017, a daughter was born out of this wedlock in Canada.

June 2018 - Thereafter, complainant and her husband (son of the petitioner) returned to India for a few days in June, 2018 when daughter of the petitioner had to be married.

6.7.2018 - After the marriage of the petitioner's daughter in June 2018, the complainant and the son of the petitioner returned to Canada on 6.7.2018, without any complaint.

23.10.2018 - While in Canada, some differences developed between the son of the petitioner and the complainant. As such, the complainant returned to India and filed the first case under Section 406, 498–A, 506 IPC dated 23.10.2018 (Annexure P1) against the petitioner, petitioner's son/complainant's husband and married daughter of the petitioner.

2.1.2019 –The above said complaint was examined in detail, whereupon enquiry report dated 2.1.2019 (Annexure P-2), was prepared by the DSP

(HQ), Sangrur in which at page 24, he noticed that husband of the petitioner was suffering from paralysis for the last 20 years and was unable to walk. At page 30, he concluded in the enquiry that no truth has been found regarding the allegations of dowry etc levelled by the complainant. Relevant para 8 of the said Inquiry Report dated 02.01.2019 (Annexure P2) is as under:-

“8. Conclusion Report: The dispute taken place between complainant Komal Kiran Kaur and her husband Gurdip Singh has taken after marriage at Canada. Complainant have filed case for maintenance and stay on land against her husband in the Hon’ble Court at Malerkotla, which is pending under hearing. No truth has come into light regarding allegations of dowry leveled in the complaint by the complainant”

10.1.2019 - Immediately thereafter, the complainant submitted another complaint/ application, dated 10.1.2019 (Annexure P-3) to the SSP, Sangrur, seeking transfer of enquiry in view of the previous report submitted by the DSP Sangrur.

6.4.2019 –In the meantime, enquiry was again conducted in the matter by the Superintendent of Police, Sangrur, who submitted his report dated 6.4.2019 (Annexure P4) thereby again exonerating the petitioner. Superintendent of Police, Sangrur, in the said enquiry report, concluded at page 44 that the dispute took place in Canada on small misunderstandings and no truth was found with regard to the complaint made by Respondent no. 6. It was accordingly, recommended that the complaint be filed.

Relevant findings of the aforesaid report are as under:-

“During inquiry, to settle down the dispute between both the parties and to get the matter compromised, both the parties were called together 2-3 times and efforts were made to pacify them, but both the parties remained adamant on their points because the father of complainant Komal Kiran Kaur namely Amritpal Singh, is demanding Rs.50 lacs and the land falling to the share of girl Hazal, but other party Jaspal Kaur shows that she has already given 40000 dollar to Komal Kiran Kaur and her son Gurdip Singh and in this regard she has already sold land, due to which no compromise could be arrived at.

On the basis of above facts, from the inquiry it has been found that the dispute taken place between complainant Komal Kiran Kaur and her husband Gurdip Singh has taken at Canada (Winnipeg) for purchasing joint house along with the parents of Komal Kiran Kaur by selling the land of Jaspal Kaur and to compel Gurdip Singh to transfer his land in her name. What the complainant has mentioned in her complaint regarding harassing her by her husband Gurdip Singh, mother-in-law Jaspal Kaur and Nanad Ramandeep Kaur on account of dowry demand, no truth is found in the same. This matter has been found on account of purchasing residential accommodation in Canada, to transfer the land of Gurdip Singh in her name and by selling the land of parents of Gurdip Singh to purchase house in Canada and the dispute has taken place between both the members at Canada. From this it has not been found that Gurdip Singh, his mother Jaspal Kaur and his sister Ramandeep Kaur have ever harassed the complainant on account of demand of dowry. This matter is just of differences of opinions between Gurdip Singh and his wife Komal Kiran Kaur in Canada. The complainant Komal Kiran has also filed case against her husband Gurdip Singh for maintenance, stay on land in the Honble Court, which is pending in the court. As such,

there is no truth in the inquiry due to which it is liable to be consigned to record room.

Recommendation:

It is recommended to file the complaint to record room. Report is submitted please."

16.1.2019 – In the meantime, the complainant/Respondent no. 6 approached the ADGP, NRI Wing, Punjab and filed complaint/application dated 16.01.2019 (Annexure R6/1) requesting transfer of the application previously filed from NRI Wing, Sangrur to NRI Wing, Chandigarh.

9.5.2019—As the petitioner and her husband were yet again summoned by the NRI Wing at Sangrur, at this juncture, the present petition was filed praying for directions inter alia not to proceed further with the enquiry and not to harass the petitioner as the higher officials have already enquired into the matter twice and exonerated the petitioner and the other accused.

14.5.2019 - Vide order dated 14.05.2019, a Coordinate Bench of this Court issued Notice of Motion in the matter, and it was also directed that *"Meanwhile, conducting of third inquiry by Sub-Inspector of police shall remain stayed"*.

12.6.2019 - Despite the above direction of the Court, the ADGP, NRI wing, contumaciously initiated investigation, where upon the petitioner was again constrained to approach the Court, and vide order dated 12.6.2019, a Co-ordinate Bench of this Court stayed further enquiry.

20.6.2019 – Despite grant of stay by this Court, ADGP NRI Wing had granted approval for initiation of enquiry vide letter dated 20.06.2019.

8.10.2021 –In the meantime, during the pendency of the present petition, complainant and the son of the petitioner have been granted divorce vide decree of divorce dated 8.10.2021 (Annexure P-8) passed by the Queen's Bench, Winnipeg, Canada.

29.11.2021 – The certificate of divorce was issued on dated 29.11.2021 (Annexure P-9).

29.09.2020 - A consent order dated 29.09.2020 (Annexure P-10) was passed by the Supreme Court of British Columbia for settling the issues of maintenance and custody of the daughter born to the complainant and the son of the petitioner.

Annexure P-11 are the photographs showing that after divorce from the son of the petitioner, Respondent no. 6 has remarried. This fact has not been denied by the counsel for the complainant.

18. It is my clear and considered view that the above said facts are self-speaking. The admitted position on record is that both the husband and wife are citizens/residents of Canada. The complainant has moved on with her life and has even remarried. While the old and aged parents-in-law are left behind battling false, frivolous and utterly vexatious complaints filed by her. I find no merit whatsoever in the facetious and spurious contention made on behalf of the complainant that the second enquiry was non-est in law as she had already sought transfer of the complaint. In summoning the accused repeatedly, especially in cases such as the present one where the petitioner is an aged lady of about 60 years, and her husband/father-in-law of the complainant is paralytic and unable

to move since the past 20 years, the complainant has misused the instrumentalities of State as also the process of law, as instruments of vendetta. If ever there was a case of abuse of judicial process, this would be a stark example where repeated complaints are filed to different authorities calling for repeated enquiries on the same set of allegations.

19. The legal position in such like cases is crystal clear. Reference may be made to judgment relied upon on behalf of the petitioner in case of **Krishna Lal Chawla supra** where filing of multiple complaints has been held to be violative of the Fundamental Right enshrined under Article 21 of the Constitution of India. In this landmark judgement, the Hon'ble Supreme Court has held in para 21 that there are inherent powers to prevent the abuse of process so that the Courts shall not suffer a litigant utilising the institution of justice for unjust means.

Relevant extract of which is as under:-

“B. Constitution of India, 1950 Article 21 Criminal Law – Multiple complaints – Permitting multiple complaints by same party in respect of same incident, whether it involves cognizable or private complaint offence, will lead to accused being entangled in numerous criminal proceedings – As such, he would be forced to keep surrendering his liberty and precious time before police and Courts, as and when required in each case – Such transaction is not only impermissible but it violates Article 21 of Constitution.

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6. The grave implications of allowing such misuse may be understood better in light of the following exposition by this

Court in **Amitbhai Anilchandra Shah v. CBI & anr, (2013) 6 SCC 348:**

*"37. This Court has consistently laid down the law on the issue interpreting the Code, that a second FIR in respect of an offence or different offences committed in the course of the same transaction is not only impermissible but it violates Article 21 of the Constitution. In **T.T. Antony [(2001) 6 SCC 181: 2001 SCC (Cri) 1048]**, this Court has categorically held that registration of second FIR (which is not a cross-case) is violative of Article 21 of the Constitution." (emphasis supplied)*

*Article 21 of the Constitution guarantees that the right to life and liberty shall not be taken away except by due process of law. Permitting multiple complaints by the same party in respect of the same incident, whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal proceedings. As such, he would be forced to keep surrendering his liberty and precious time before the police and the Courts, as and when required in each case. As this Court has held in **Amitbhai Anilchandra Shah (supra)**, such an absurd and mischievous interpretation of the provisions of the CrPC will not stand the test of constitutional scrutiny, and therefore cannot be adopted by us.*

*7. The implications of such successive FIRs on an individual's rights under Article 21 of the Constitution has been elaborated further in **T.T. Antony (supra)**:*

"27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that subsection

*(8) of section 173 CrPC, 1973 empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In **Narang case [Ram Lal Narang v. State (Delhi Admn.), (1979) 2 SCC 322 : 1979 SCC (Cri) 479]** it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under section 173(2) CrPC, 1973."*

(emphasis supplied)

Thus, it is incumbent upon this Court to preserve this delicate balance between the power to investigate offences under the CrPC, and the fundamental right of the individual to be free from frivolous and repetitive criminal prosecutions forced upon him by the might of the State. If the Respondent No. 2 was aggrieved by lack of speedy investigation in the earlier case filed by him, the appropriate remedy would have been to apply to the Magistrate under section 155(2), CrPC, 1973 for directions to the police in this regard. Filing a private complaint without any prelude, after a gap of six years from the date of giving information to the police, smacks of mala fide on the part of Respondent No. 2.

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21. It is a settled canon of law that this Court has inherent powers to prevent the abuse of its own processes, that this Court shall not suffer a litigant utilising the institution of justice for unjust means. Thus, it would be only proper for this Court to

deny any relief to a litigant who attempts to pollute the stream of justice by coming to it with his unclean hands. Similarly, a litigant pursuing frivolous and vexatious proceedings cannot claim unlimited right upon court time and public money to achieve his ends."

20. In the facts and circumstances of the present case, reference may also be made to another judgment of the Hon'ble Supreme Court rendered in case of **"Harmanpreet Singh Ahluwalia & Others Vs. State of Punjab & Others"** Law Finder Doc ID # 190773, wherein it has been held as under:-

"A. Criminal Procedure Code, Section 482 – Indian Penal Code, Section 420 and 406 Criminal Procedure Code Section 178 – Territorial jurisdiction – Parties married at Jalandhar thereafter living in Canada – Demand of dowry made in Canada – FIR lodged at Jalandhar – FIR quashed, inter alia, on the ground that larger part of offence was committed in Canada".

21. In the said case too, major part of the alleged offences had been committed in Canada and the parties therein had been granted divorce in Canada. Thus, in almost identical circumstances, the Hon'ble Supreme Court had quashed the FIR. In fact, in the above-mentioned case of **Harmanpreet Singh Ahluwalia (supra)** the police after investigation had filed a cancellation report. However, cancellation of the FIR was not accepted, and charge sheet had been filed against the accused therein. Despite that, the Hon'ble Supreme Court, had quashed the FIR. The present case stands on a similar, if not on a better footing.

22. In case of **Jaswinder Singh supra** this Court has deprecated the practice of repeated complaints and repeated enquiries/investigations.

23. Reference may also be made to judgment of this Court in **“Satwant Singh & Others Vs. State of Punjab & Another” 2008 (4) RCR Criminal 429/Law Finder Doc ID # 144907**, wherein, in similar circumstances, the FIR was quashed by holding that: –

“Criminal Procedure Code, Sections 181 and 177 - Indian Penal Code, Sections 498A and 406 - Territorial jurisdiction - Marriage solemnized in India - Parties thereafter living in Canada - Both citizens of Canada - Petition for divorce and custody of the child filed in a Family Court at Canada - Wife sending complaint to police that she was harassed by parents of husband by making demand and misappropriation of dowry given at time of marriage - A case under sections 498A and 406 Indian Penal Code registered at Hoshiarpur - FIR quashed - Held :-

This is a classic case of misuse of process of the Court where process of the law has been used as a tool to harass the petitioners to vindicate her grudge on account of the proceedings taken out at Canada - In view of the fact that the Court at Garshankar/Hoshiarpur have no jurisdiction to entertain and try the case. 2004(3) RCR (Criminal) 988 : 2004(3) Apex Criminal 455 (SC) relied.”

24. In the case of **“Bahadur Singh & Others Vs. State of Punjab & Another” Law Finder Doc ID # 210334**, this Court in similar circumstances held as follows:–

“Criminal Procedure Code, Section 177 – Indian Penal Code, Sections 498A and 406 – Territorial jurisdiction – Husband and

wife living in Canada after marriage – Allegation by wife that father, brother, and brother’s wife of husband used to make demand through phone calls and husband used to beat her at Canada – Complaint under Sections 406, 498A of Indian Penal Code filed in India – Complaint quashed – Held:

Larger part of offence has taken place in Canada - Marriage has already been dissolved at Canada – Thus impugned FIR is nothing but an abuse of process of criminal law”.

25. Reliance may be placed upon three-Judge Bench judgment of the Hon’ble Supreme Court in **“State of Madhya Pradesh Vs. Laxmi Narayan & Others”** Law Finder Doc ID # 1385786, wherein it has been held as under:-

“29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases”.

26. Power under Section 482 Cr.P.C. is to be exercised to secure the ends of justice or to prevent abuse of process of any Court. Upon perusal of all the above said facts, this Court has formed a clear opinion that continuation of the present proceedings against the petitioner is abuse of process of Court.

27. In view of the above factual and legal position as noted hereinabove, the present petition is **allowed**. It is directed that no further inquiry is required to be conducted by respondents No.1 to 5 herein in any of the complaint(s) so far submitted or that may be submitted in future by respondent No.6 and her family members pertaining to the marriage of

respondent No.6 with son of the petitioner, qua the petitioner and her husband; and that it is directed that respondents No.3 and 5 will not harass or threaten the petitioner and her family members and her husband at the instance of respondent No.6.

28. Present petition is disposed of in above terms.
29. Pending application(s) if any also stand(s) disposed of.

18.03.2024	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No