



CRM-M-20534-2018

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

260

CRM-M-20534-2018

Decided on:- 29.04.2025

Jatinder Singh

....Petitioner

Versus**State of Punjab and another**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Bansal, Advocate for
Mr. Balbir Singh, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Mandeep K. Saajan, Advocate
for respondent No. 2.

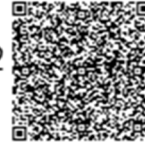
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AMARJOT BHATTI, J. (Oral)

1. Petitioner Jatinder Singh has filed petition under Section 482 Cr.P.C. for quashing of impugned FIR No. 15 dated 16.09.2017 under Section 406, 498-A of IPC (Annexure P-1) registered at Police Station NRI, Hoshiarpur and all consequential proceedings arising therefrom, with further prayer for quashing of order dated 07.11.2017 (Annexure P-3) passed by learned Civil Judge (Junior Division), Hoshiarpur, whereby learned Court has directed petitioner to appear before the Court or Investigating Officer.
2. Facts of the case are, complainant Gurjot Kaur Heer filed application bearing UID No. 1165944 dated 04.08.2017 to IGP Sahib, NRI and Women Wing, Phase-7, SAS Nagar with allegations that earlier her brother Gurpreet Singh had filed another application bearing UID No.

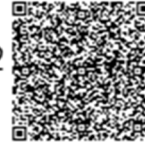


1165944 dated 04.08.2017 against her husband Jatinder Singh who is now residing in America and in continuation of said application, she has filed present application. Her marriage was performed with Jatinder Singh on 09.04.2016 at Sandhu Marriage Palace, Chabewal, Hoshiarpur. Her entire family had come to India from America. Her parents had spent money beyond their capacity. At the time of Shagun ceremony, her family had given gold ornaments, cash amount as Shagun to her husband and customary gold ornaments were given to other family members of her husband as detailed in FIR. Expensive clothes were given to relatives of groom family. She was also given gold ornaments. After marriage, she lived in Village Bahawal, District Hoshiarpur at her in-laws house. After marriage, her mother-in-law Palwinder Kaur, husband Jatinder Singh, brother-in-law Gurpreet Singh started taunting her for not giving dowry as per their status. They started raising demand for cash. Her brother-in-law returned to America after 8-9 days of marriage. She also returned to America on 16.05.2016. She applied papers for arrival of her husband Jatinder Singh, who reached America on 08.07.2017. She along with her husband Jatinder Singh started residing in separate flat. Her husband stayed with her only for 20-22 days and thereafter, he started quarrelling with her. There was demand for money. Her mother-in-law Palwinder Kaur used to reside with her brother-in-law Gurpreet Singh in America. They also taunted her for bringing less dowry. On 29.07.2017, her husband Jatinder Singh filed false complaint with American police against her. She was left alone in the house. Her husband proclaimed that he had performed marriage with her for coming to America. He never returned back in



matrimonial home. She started residing with her parents. All her gold ornaments were taken away by her husband Jatinder Singh, mother-in-law Palwinder Kaur. With these allegations, matter was inquired and present FIR has been registered under Section 406, 498-A of IPC.

3. Learned counsel for petitioner argued that petitioner has been falsely implicated by filing a complaint to NRI Wing. Marriage of petitioner with respondent No. 2 was solemnized on 09.04.2016 in a simple manner. They resided together at his house in Village Bahawal for about 28 days and thereafter, she left matrimonial home on 07.05.2016. After reaching USA, respondent No. 2 applied for immigration papers for petitioner. All the formalities were completed and ultimately, he reached America on 06/07.07.2017. Till that time, relationship between petitioner and respondent No. 2 remained cordial. No incident took place as detailed in FIR. Differences cropped up during their stay in USA. It was respondent No. 2 who grabbed his beard and slapped on his face, as a result his lips started bleeding. Thereafter, petitioner went to the house of his brother at Seattle. He filed a complaint against respondent No. 2 before NEWARK Police Department. In the presence of police, petitioner packed his bags from the house and shifted to the house of his brother. Crime Report is Annexure P-2. Both petitioner and respondent No. 2 obtained restraining orders against each other in USA, which are Annexures P-4 and P-5. Respondent No. 2 filed petition for divorce against petitioner at USA. Notice received from Superior Court of California is Annexure P-6. Learned counsel for petitioner referred to the judgment of Superior Court of California County of Alameda dated 04.02.2020 (Annexure P-3) vide

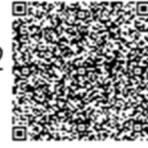


which their marriage was dissolved.

Learned counsel for petitioner pointed out that no incident took place in India. False complaint was filed in order to harass the petitioner and his family. In case, there was any dispute during their stay in India, then there was no occasion for respondent No. 2 to send Immigration papers. To support his arguments, learned counsel for petitioner has referred to the judgment of Coordinate Bench cited in **2008(4) RCR(Criminal) 429**, case titled “**Satwant Singh and others Versus State of Punjab and another**”, where in para No. 4, it was observed as under :-

“4. The proceedings initiated on the complaint of the complainant herein clearly shows that the complainant has used her influence with the authority and succeeded in harassing the petitioners for number of years. 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 two the Courts at Garshankar/Hoshiarpur have no jurisdiction to entertain and try the case and also that this is a case of misuse of process of the Court and the proceedings have been initiated with mala fide intention; the FIR No. 163 dated 21.10.2005 registered at Police Station Garshankar District Hoshiarpur under Sections 406, 498A Indian Penal Code and subsequent proceedings arising therefrom are ordered to be quashed.”

Learned counsel for petitioner has relied upon other judgment of Coordinate Bench cited in **2010(3) Crimes 813**, case titled “**Bahadur Singh and others Versus State of Punjab and another**”, where again it was observed that “*husband and wife in that case were living in Canada*

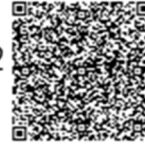


after marriage and larger part of offence took place in Canada and their marriage was also dissolved at Canada and considering those facts, FIR in that case was quashed.”

4. Learned counsel representing petitioner argued that without appreciating facts and circumstances of case, present FIR was registered. Earlier notice was served upon Jatinder Singh on 07.11.2017 under Section 105-B of Cr.P.C. through Ministry of Home Affairs/Ministry of External Affairs, Government of India (Annexure P-3) to appear before the Court or Investigating Officer on 20.04.2018. Said notice has been issued without any justification. Proclamation was initiated against petitioner in aforesaid FIR, but the said order was recalled by learned Judicial Magistrate 1st Class, Hoshiarpur vide order dated 15.02.2019 (Annexure A-2). It is prayed that registration of FIR and subsequent proceedings initiated thereon including issuance of process dated 07.11.2017 (Annexure P-3) is gross misuse of procedure of criminal law and same may kindly be quashed.

5. Petition is opposed by learned counsel representing State assisted by learned counsel for respondent No. 2. It is pointed out that proper inquiry was conducted on the complaint filed by respondent No. 2. Opinion of Law Officer was obtained. It was verified that present petitioner was residing abroad. Notice was issued under Section 105-B Cr.P.C. through proper channel which was duly served upon him. Petitioner is required to join investigation. After completion of investigation, challan will be presented.

6. Learned counsel representing respondent No. 2 confirmed the allegations detailed in FIR regarding gold ornaments given at the time of



marriage and alleged harassment and maltreatment in matrimonial home in India as well as abroad. It is pointed out that petitioner was declared proclaimed offender by the Court vide order dated 15.01.2019, therefore, he is not entitled to the relief prayed for. It is pointed out that matrimonial dispute had started from the very beginning. It is specifically denied that initially she lived happily in matrimonial home. Petitioner has not joined investigation till date. Her dowry articles are yet to be recovered. Therefore, petition filed by him deserves dismissal.

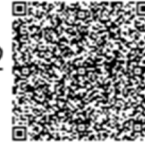
7. I have considered the arguments and have gone through the record carefully. Admittedly, respondent No. 2/complainant is citizen of America who filed a complaint to NRI Wing, SAS Nagar and on that complaint, present FIR has been registered. In order to appreciate the facts of case, certain dates are material. Admittedly, petitioner and respondent No. 2 got married on 09.04.2016. She lived in matrimonial home for some time and thereafter, as per her own version, went to America on 16.05.2016. Therefore, she lived in India for a short duration of 01 month 07 days. It is further admitted that respondent No. 2 had sent papers for immigration of her husband, who also reached America on 08.07.2017. It is rightly pointed out by learned counsel for petitioner that since the relationship between husband and wife was cordial and for this reason respondent No. 2 had sponsored her husband i.e. petitioner to America. Therefore, no matrimonial dispute took place during stay of respondent No.2 in India. Obviously, while going to America respondent No. 2 must have taken her belongings alongwith her. Admittedly, respondent No. 2 and her husband Jatinder Singh lived separately in a flat. It is also not



disputed that present petitioner lodged report with Newark Police Department. Respondent No. 2 claimed that her husband filed false complaint against her with police, on the other hand, petitioner has placed on record copy of Crime Report lodged at his instance, which is Annexure P-2. It is further not disputed that both petitioner and respondent No. 2 filed complaints against each other and obtained restraining orders, which are Annexures P-4 and P-5. All these facts indicate that entire dispute took place between petitioner and respondent No. 2 during their stay in America. Learned counsel for petitioner has also placed on record copy of summons received by petitioner on account of divorce proceedings initiated by respondent No. 2. There is copy of judgment passed by Superior Court of California County of Alameda dated 04.02.2020 (Annexure A-3) regarding dissolution of marriage between Gurjot Kaur Heer (respondent No. 2) and Jatinder Singh (petitioner).

8. It is matter of record that concerned Judicial Magistrate, Hoshiarpur had issued notice under Section 105 Cr.P.C. (Annexure P-3). Present petition was filed in which vide order dated 15.05.2018, interim relief was granted in favour of petitioner that no coercive steps be taken against him and said interim relief continued during the pendency of present case. Proclamation order dated 15.01.2019 issued by learned Judicial Magistrate 1st Class, Hoshiarpur was recalled vide order dated 15.02.2019 (Annexure A-3).

9. In the light of aforesaid factual position, FIR No. 15 dated 16.09.2017 (Annexure P-1) (supra) has been registered by Investigating Agency without taking into consideration aforesaid facts and circumstances



CRM-M-20534-2018

-8-

of case. Mere filing of complaint was not sufficient. Investigating Agency was required to conduct thorough investigation and thereafter, FIR was required to be registered. No matrimonial dispute had taken place during their stay in India. It is clearly evident that FIR has been got registered by respondent No. 2 out of vengeance. In the given facts and circumstances of case, registration of aforesaid FIR and issuance of process under Section 105 Cr.P.C. dated 07.11.2017 is unjustified and gross misuse of criminal procedure.

Therefore, I find merits in petition filed by petitioner, consequently, FIR No. 15 dated 16.09.2017 under Section 406, 498-A of IPC (Annexure P-1) registered at Police Station NRI, Hoshiarpur and proceedings initiated against petitioner in pursuance of this FIR including notice dated 07.11.2017 (Annexure P-3) stands quashed.

10. Petition is accordingly, allowed.

11. Pending application(s), if any, also stands disposed of accordingly.

29.04.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No