



CRM-M-24827-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24827-2019 (O&M)
Reserved on 15.05.2025
Pronounced on: 27.05.2025

Kanwar Harpreet Singh Bassi @ Jason

. . . Petitioner

Versus

State of Punjab Haryana

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Puneet Bali, Sr. Advocate with
Mr. Abhishek Sharma, Advocate,
Mr. Aakash Sharma, Advocate and
Mr. Jasman Gill, Advocate
for the petitioner

Mr. Luvinder Sofat, Sr. DAG Punjab

Mr. Gautam Dutt, Advocate
for respondent No. 2

KIRTI SINGH, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0029 dated 07.05.2019 registered under Sections 498-A and 406 IPC at Police Station Women, District Police Commissionerate, Jalandhar (Annexure P-1) along with all the subsequent proceedings arising therefrom.

FACTUAL MATRIX

2. The facts in brief as culled out from the FIR are that the marriage of the complainant was solemnized with the petitioner on 19.04.2018, pursuant to a matrimonial alliance arranged through a marriage bureau. Prior to the wedding ceremony, the complainant's family was subjected to specific and repeated demands from the groom's side, including the organization of an extravagant

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ceremony at their expense and the presentation of luxury items and also jewelry, among other things, which they duly acceded to. Despite fulfilling all such unlawful demands, the complainant after her marriage was neglected by her husband and was subjected to continuous mental harassment for the demand of a luxury car. Infact, all the jewelry and the shagun amounts received by the complainant were taken by her in-laws. The complainant was also hit by her husband when she confronted the petitioner about his habit of heavy drinking. Soon after, within a span of few weeks the petitioner went back to the United Kingdom and stopped keeping contact with the complainant and did not respond to her queries about her spouse visa. Left with no other option the complainant had to go the United Kingdom in June in 2018. It was only in September 2018 that the complainant went to the United Kingdom, and with the intervention of elders of the family was able to reside with her husband. However, even there the ordeals of the complainant did not end and she had to face a lot of harassment at the hands of the petitioner and her family especially for the demand of dowry. Finally, on 02.10.2018, the complainant was sent back to India

SUBMISSIONS MADE BY LEARNED SENIOR COUNSEL FOR THE PETITIONER

3. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. It has been argued that the matrimonial cohabitation between the parties was limited to an aggregate period of approximately six weeks. The petitioner, despite enduring episodes of emotional distress and humiliation, continued to engage constructively and with restraint. The petitioners's mother, acting as Special Power of Attorney holder, even approached this Court by instituting Pre-Litigation Mediation No. 171 of 2019, in an earnest attempt to resolve the dispute amicably. However, respondent

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No. 2 and her family remained unyielding, making exorbitant and wholly unreasonable monetary demands.

3.1 In the aftermath of the failed mediation, respondent No. 2 initiated adversarial proceedings by filing a complaint dated 09.02.2019 before the Commissioner of Police, Jalandhar, levelling exaggerated and unsubstantiated allegations under Sections 406 and 498-A IPC. Despite the petitioner and his family submitting detailed representations rebutting the allegations and placing on record material evidencing their falsity, the complaint was mechanically converted into FIR No. 0029 dated 07.05.2019. It has further been argued that vide order dated 23.07.2020 passed by the U.K. Family Court and accepted by both the parties, granted respondent No. 2 lump sum amount of British pounds 25,000/- in complete satisfaction of all *inter se* financial, maintenance, property, inheritance and cost claims. The amount was paid and acknowledged on 14.09.2020. No residual enforceable claim survives.

3.2. The offence under Section 406 IPC is not made out as there is no specific allegation of entrustment of any article to the petitioner or his family in a fiduciary capacity. No inventory, acknowledgement or record of safekeeping has been furnished. In the absence of such basic pleading, invocation of Section 406 IPC is entirely misconceived. In the absence of specific cruelty or dowry demand the provision of Section 498-A IPC is not attracted.

3.3 Reliance has been placed upon judgments passed in ***Kulandiasamy and another vs. State represented by its Inspector of Police and another***, Criminal Appeal No. 1224 of 2025, decided on 07.03.2025, ***Preeti Gupta and another vs. State of Jharkhand and another***, Criminal Appeal No. 1512 of 2010 arising out of SLP(Crl.) No. 4684 of 2009 decided on 13.08.2010, ***Baljinder Singh***



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and another vs. State of Punjab and another, CRM-M-25501 of 2020 (O&M)
decided on 05.12.2024.

SUBMISSIONS MADE BY LEARNED COUNSEL FOR RESPONDENT NO. 2

4. Learned counsel for respondent No. 2 submits that in the present case detailed enquiry into the allegations levelled in the complaint was conducted and the offences under Sections 406 and 498-A IPC having been disclosed to have been committed by the petitioner, the FIR has rightly and legally registered. It has been submitted that there are specific allegations levelled against the petitioner which the learned senior counsel for the petitioner has not adverted to, and which disclose commission of offences under Sections 406 and 498-A IPC. Therefore, the petitioner has rightly been proceeded against.

4.1 It has also been argued that e-mails inter-se the parties leading to the culmination of financial order dated 23.07.2020 does not in any way infer any settlement between the parties. Infact, the e-mails are categoric to the effect that the complainant would not be withdrawing any litigation qua the offences committed in India. The lump sum amount paid by the petitioner is not viz-a-viz any compromise between the parties and it was only one time severance amount which is to be paid on the culmination of divorce proceedings in England. The divorce proceedings although initiated by the complainant but were not contested by the petitioner whereas a counter divorce was filed by him, which clearly indicates that there was no settlement of any nature. To infer that a settlement took place between the parties and the criminal proceedings are to be withdrawn in lieu of that would be factually incorrect in light of the e-mails that were exchanged between the parties pre financial order dated 23.10.2020.

4.2 It is further submitted that the clause in the terms of the financial order



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passed by the Family Court in England, on which learned senior counsel has placed heavy reliance on the following :

“g. all other claims of any nature which one may have against the other as a result of their marriage howsoever arising in England and Wales.”

A bare perusal of the same shows that terms of the order only governed claims that the parties had against each other for the cause of action that arose in England and Wales. Reliance has also been placed upon judgment passed in ***Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra, (2021) 19 SCC 401*** to submit that quashing of FIRs should not be allowed as a matter of routine. The same can be done only in cases where the allegations levelled in the FIR or complaint, as the case may be, do not even *prima facie* disclose the commission of any offence, which is not so in the present case.

SUBMISSIONS MADE BY LEARNED STATE COUNSEL

5. Learned State counsel while placing reliance upon the status report filed by way of affidavit of Sh. Ashok Kumar, PPS, Assistant Commissioner of Police, ACP Crime against women & children Jalandhar submits that there are serious allegations against the petitioner. The FIR was rightly registered against the petitioner after due enquiry, moreover, the petitioner has misappropriated dowry articles given by respondent No.2 and the petitioner has maltreated respondent No.2 due to which offences under Sections 406 and 498-A were rightly added in the present FIR. It is further stated that after registration of the FIR, the petitioner had approached this Court for quashing of the present FIR and this Court was pleased to stay the proceedings of the present FIR for the purpose of enabling the parties to explore the possibility of mediation vide order dated 27.05.2019, and as such no further investigation was conducted in the present case in compliance of



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directions issued by this Court.

ANALYSIS AND CONCLUSION

6. I have heard the rival submissions made by learned counsel for the parties.

7. The petitioner herein has approached this Court, by invoking jurisdiction of this Court under Section 482 Cr.P.C. for the purpose of seeking quashing of the FIR registered against him, on the basis of complaint filed by the respondent No.2. The law with respect to exercise of power under Section 482 Cr.P.C., insofar as quashing of an FIR is concerned, is well-settled. The Hon'ble Apex Court, through a catena of judgments, has also laid down several guidelines and summed up principles to be followed by the Courts while deciding a petition seeking quashing of FIRs and criminal proceedings. Before advertng to the merits of the present case, it shall be thus appropriate to first take note of few such important decisions.

8. In case of ***State of Haryana v. Bhajan Lal, 1992 SCC (Cri) 426***, the Hon'ble Apex Court had observed that except in exceptional circumstances, where non-interference would result in miscarriage of justice, the Courts ought not to interfere at the stage of the investigation of an offence. Further, the principles which were laid down by the Hon'ble Apex Court, to be followed while adjudicating a petition seeking quashing of criminal proceedings, are as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to

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prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- 1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.*
- 2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
- 3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- 4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.*
- 5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
- 6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*



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7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. The Hon'ble Apex Court in case of ***Union of India v. Prakash P. Hinduja, (2003) 6 SCC 195*** has held that the Courts should not interfere with the investigation or during the course of investigation i.e. till the filing of a report under Section 173 of Cr. P.C., by exercise inherent jurisdiction. The relevant observations in this regard are extracted hereunder:

“20. Thus the legal position is absolutely clear and also settled by judicial authorities that the court would not interfere with the investigation or during the course of investigation which would mean from the time of the lodging of the first information report till the submission of the report by the officer in charge of the police station in court under Section 173(2) CrPC, this field being exclusively reserved for the investigating agency.”

10. Recently, it has been held by the Hon'ble Supreme Court in Criminal Appeal No.4190 of 2024 (Arising out of SLP (Criminal) No.6583 of 2024 titled as '***Somjeet Mallick vs. State of Jharkhand and others***', 2024 All SCR (CrI) 1937 that FIR is not an encyclopedia and is not expected to contain all details of the offence. During judicial examination of a prayer for quashing of an FIR, the cognizance order, or subsequent proceedings, Courts must evaluate the allegations and material collected during investigation at face value. The primary focus at this stage is to determine that whether a prima facie case for investigation or proceedings against the accused exists. The correctness or truthfulness of the

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allegations is not assessed at this juncture. The relevant observation in this regard are extracted hereunder:-

“16. Before we proceed to test the correctness of the impugned order, we must bear in mind that at the stage of deciding whether a criminal proceeding or FIR, as the case may be, is to be quashed at the threshold or not, the allegations in the FIR or the police report or the complaint, including the materials collected during investigation or inquiry, as the case may be, are to be taken at their face value so as to determine whether a prima facie case for investigation or proceeding against the accused, as the case may be, is made out. The correctness of the allegations is not to be tested at this stage.

17. To commit an offence, unless the penal statute provides otherwise, mens rea is one of the essential ingredients. Existence of mens rea is a question of fact which may be inferred from the act in question as well as the surrounding circumstances and conduct of the accused. As a sequitur, when a party alleges that the accused, despite taking possession of the Truck on hire, has failed to pay hire charges for months together, while making false promises for its payment, a prima facie case, reflective of dishonest intention on the part of the accused, is made out which may require investigation. In such circumstances, if the FIR is quashed at the very inception, it would be nothing short of an act which thwarts a legitimate investigation.

18. It is trite law that FIR is not an encyclopedia of all imputations. Therefore, to test whether an FIR discloses commission of a cognizable offence what is to be looked at is not any omission in the accusations but the gravamen of the accusations contained therein to find out whether, prima facie, some cognizable offence has been committed or not. At this stage, the Court is not required to ascertain as to which specific offence has been committed. It is only after investigation, at the time of framing charge, when materials collected during investigation are before the Court, the Court has to draw an opinion as to for commission of which offence the accused should be tried. Prior to that, if satisfied, the Court may even discharge the



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accused. Thus, when the FIR alleges a dishonest conduct on the part of the accused which, if supported by materials, would disclose commission of a cognizable offence, investigation should not be thwarted by quashing the FIR.

19. No doubt, a petition to quash the FIR does not become infructuous on submission of a police report under Section 173(2) of the CrPC, but when a police report has been submitted, particularly when there is no stay on the investigation, the Court must apply its mind to the materials submitted in support of the police report before taking a call whether the FIR and consequential proceedings should be quashed or not. More so, when the FIR alleges an act which is reflective of a dishonest conduct of the accused.”

11. The principles governing quashing of FIRs and criminal proceedings were summed up by the Hon'ble Supreme Court in case of ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra, (2021) 19 SCC 401*** after analysing catena of judicial precedents. The relevant observations of the decision are extracted hereunder:

“13. From the aforesaid decisions of this Court, right from the decision of the Privy Council in the case of Khawaja Nazir Ahmad, the following principles of law emerge:

13.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences;

13.2. Courts would not thwart any investigation into the cognizable offences;

13.3. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;

13.4. The power of quashing should be exercised sparingly with circumspection, in the ‘rarest of rare cases’.

(The rarest of rare cases standard in its application for quashing



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under Section 482 Cr. P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);

13.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

13.6. Criminal proceedings ought not to be scuttled at the initial stage;

13.7. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

13.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the abuse of the process by Section 482 Cr. P.C.

13.9. The functions of the judiciary and the police are complementary, not overlapping;

13.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

13.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

13.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds



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that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

13.13. The power under Section 482 Cr. P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court;

13.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint; and

13.15. When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr. P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

12. In all the aforesaid decisions, the Hon'ble Supreme Court has clearly laid down that the recourse to quashing of an FIR has to be taken in rarest of rare cases, and this power should be used sparingly, especially so when the investigation of a case is at its initial stage.

13. Vide order dated 24.02.2025, the parties were referred to the Mediation and Conciliation Centre of this Court as both the parties had submitted that there are chances of an amicable settlement, however, as per the mediation reports received, the matter has been sent back to this Court being an unsettled



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case. The investigation is at a nascent stage and without investigation the true facts can not ascertained.

14. Accordingly, guided by principles laid down by the Hon'ble Supreme Court (supra), this Court is of the considered opinion that the FIR in question cannot be quashed at this stage and the investigation by the police will only bring out clarity, including the issue as to whether any case is made out under the relevant sections of law or not.

15. Thus, in view of the forgoing discussion, the present petition is dismissed. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. Needless to say, if no such commission of offence will be made out, the police will be at liberty to file an appropriate report under Section 173 of Cr. P.C.

17. Pending application(s) if any, stands disposed of.

(KIRTI SINGH)
JUDGE

27.05.2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No