



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

204

**CRM-M-35411-2024
Decided On: 05.08.2025**

JASMANDEEP KAUR GILL

....PETITIONER(s)

Versus

STATE OF PUNJAB AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil Chadha, Senior Advocate with
Ms. Taanvi Dhull, Advocate
for the petitioner.

Mr. Chanchal K. Singla, Additional Advocate General, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate
for respondents no.5 to 9.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed under Section 528 BNSS seeking a direction to respondents no.1 to 4, to register an FIR under the relevant provisions of law against respondents no.5 to 9 on the basis of petitioner's complaint pertaining to matrimonial offences, dated 09.03.2024, Annexure P-2.

2. Facts of the case in brief are, the petitioner married with respondent no.5 on 27.01.2023, but on account of disputes between them she left the matrimonial home on 20.09.2023. She has alleged demands of dowry by her husband and in-laws, and also taunts, insults, etc. by them. On account of harassment and mental stress she started getting anxiety attacks and had a miscarriage. In that regard she submitted a complaint to the third respondent/Commissioner of Police, dated 29.09.2023, Annexure P-1. No action was taken and she had to submit another complaint regarding the



alleged offences, dated 09.03.2024, Annexure P-2. It is also alleged that police officials are hand-in-glove with respondents no.5 to 9, who are influential people; respondent no.9/uncle of respondent no.5 is a Former MLA. That is the reason the police have not carried out proper investigation, nor has any FIR been lodged.

3. Learned senior counsel for the petitioner contends that there was no need to conduct any enquiry into the allegations levelled by the petitioner as the cognizable offences are *prima facie* made out, which require registration of FIR against respondents no.5 to 9 straightway. Although respondents no.1 to 4 have statedly conducted an enquiry into the matter, it was actually an eye wash to bury the complaint. Therefore, a direction needs to be issued for registration of FIR in the matter.

4. Learned senior counsel for the respondents, on the contrary, points out the allegations are false and concocted, and have been levelled out of vengeance. No specific attribution is there against any of the family members, and vague and general allegations in the complaint do not constitute any offence. As per law laid down by the Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh and others*, (2014) 2 SCC 1, the police are required to conduct a preliminary enquiry before lodging an FIR regarding matrimonial offences. And the instant complaint submitted by the petitioner was enquired into by the police at least three times, but no substance was found in it. Therefore, it was recommended to 'file' the complaint. The first enquiry into the complaint was conducted by Assistant Commissioner of Police, Crime against Women and C Cell, Ludhiana, dated 27.01.2024; it was duly approved by the Commissioner of Police. The relevant extract of the enquiry report is as under:



Enquiry of the application conducted till now has been presented by Sub Inspector Harinderpal Singh. As per the report, it has been found that marriage of the applicant party has been solemnized on 27.01.2023, due to strained relations between both the parties, they did not agreed to rehabilitate. It has been found from the perusal of statement, witnesses, documents presented by both the parties that no reliable evidence, witness or document has been presented with regard to the allegations levelled by applicant party against her husband Jaideep Singh, Father-in-law Gopal Singh, Mother-in-law Mandeep Kaur all residents of house No. 39, Model Town, Phase-2, Bathinda and sister-in-law Rajinder Kaur with regard to give beatings, causing mental harassment, demanding dowry and with regard to the abortion of the applicant. It has been stated that at the time of marriage applicant party has given one innova car bearing No. PB03BK0020 to her husband. In this regard opposite party Jai deep Singh has presented the photographs of the CCTV footage of the cctv cameras installed in the neighbourhood, wherein on dated 20.09.2023, above said applicant alongwith her family and 3 suit case containing articles was leaving from there. As per the opposite party, gold ornaments and clothes were in the suitcases. It has been stated that on dated 21.09.2023, Harjinder Singh maternal uncle of opposite party Jaideep Singh has filed an application with regard to the same to Station House Officer, Police station Civil line, Bathinda. No reliable evidence has been presented with regard to the allegation giving beatings as well as abortion of the applicant levelled by the applicant. Because if any beatings would have given, then either medical would have been conducted at Civil hospital or application would have been filed in any Police station or police post. Whereas the application which has been filed by the applicant party at police station Civil lines Bathinda, therein the same has been withdrawn by giving statement that no action be taken on the same and the same has been consign to office. As per the statement, opposite party is still ready to rehabilitate, whereas opposite party has



filed civil suit before the Ld. Court of Karan Aggarwal, JMIC, Ludhiana for grant of maintenance. Next date of hearing is 07.02.2024. both the parties have not presented any reliable evidence with regard to the istridhan gold ornaments of applicant Both the parties are not agreed to disclosed anything about gold ornaments, nor applicant has presented any reliable evidence with regard to the demand of dowry. It is not possible to take action on the application without reliable evidence, facts, witnesses, documents. Therefore applicant has been directed to pursue this case before the Id. Court. It is recommended to consign the application to office.

4.1. The matter did not end there, and the complaint was again enquired into but the allegations could not be established, and a report to that effect dated 29.06.2024, Annexure R-5/2, was submitted. Third time also, it was concluded vide report dated 01.08.2024, Annexure R-5/3, that no offence was made out from the complaint against respondents no.5 to 9. Lastly, it has been contended by learned senior counsel that respondent no.9 has no concern with the matter; neither is he in a position to influence the investigation, nor has he done so in any manner. He has been arrayed as a respondent unnecessarily, only to cause harassment.

5. Submissions made by learned counsel for the parties have been considered.

6. The law stands settled in *Lalita Kumari* case *ibid.* that on disclosure of information regarding commission of a cognizable offence, registration of FIR under Section 154 Cr.P.C. (*pari materia* to Section 173 BNSS) is mandatory. At the same time, it has been held that in matrimonial cases the police may, before registering FIR, hold a preliminary enquiry to ascertain whether any cognizable offence is disclosed from the complaint. Observations in the judgment are as under:



111. Besides, the Code gives power to the police to close a matter both before and after investigation. A police officer can foreclose an FIR before an investigation under Section 157 of the Code, if it appears to him that there is no sufficient ground to investigate the same. The section itself states that a police officer can start investigation when he has “*reason to suspect the commission of an offence*”. Therefore, the requirements of launching an investigation under Section 157 of the Code are higher than the requirement under Section 154 of the Code. The police officer can also, in a given case, investigate the matter and then file a final report under Section 173 of the Code seeking closure of the matter. Therefore, the police is not liable to launch an investigation in every FIR which is mandatorily registered on receiving information relating to commission of a cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made as under:

- (a) Matrimonial disputes/family disputes.
- (b) Commercial offences.
- (c) Medial negligence cases
- (d) Corruption cases
- (e) Cases where there is abnormal delay/latches in initiating criminal prosecution, for example, over 3 months’ delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

7. In terms of the law laid down, respondents no.1 to 4 have conducted preliminary enquiry into the allegations, and after hearing the parties and examining the material produced by them concluded that the allegations do not disclose any cognizable offence. There is no material on record to indicate even *prima facie* that the enquiry has been manipulated or



unduly influenced by respondent no.9. In view thereof, no case for issuance of direction for lodging of the FIR is made out. The petitioner, however, has an option to avail the alternate remedy of filing a complaint before the Magistrate.

8. Accordingly, without expressing any opinion on the merits of the case, the petition is disposed of with liberty to the petitioner to avail alternate remedies in accordance with law, if so advised.

9. The observations made in this order are only for the purpose of deciding the instant petition which will have no bearing on any other proceeding(s).

05.08.2025
Ad

Whether speaking/reasoned?
Whether reportable?

(TRIBHUVAN DAHIYA)
JUDGE

Yes/No
Yes/No