



CRM-M-40007-2020 with connected petition

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

CRM-M-40007-2020
Date of Decision: 09.07.2025

Simrandeep Singh Sidhu

Versus

..... Petitioner

State of Punjab and others

..... Respondents

CRM-M-26490-2020

Kuldip Singh Sidhu and another

Versus

..... Petitioners

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sukhandeep Singh, Advocate
for the petitioners (in both cases).

Mr. G.S. Bhullar, AAG, Punjab.

Mr. Vipul Aggarwal, Senior Panel Counsel,
for Union of India.

JASGURPREET SINGH PURI, J. (ORAL)

1. The petition bearing CRM-M-40007-2020 has been filed by the husband of the respondent No.3-wife and CRM-M-26490-2020 has been filed by the parents-in-law of the respondent No.3-complainant and prayer made in both the petitions are for quashing of the FIR on merits. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since they are connected petitions and arising out of the same FIR.

2. Both the petitions have been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR bearing No.12 dated 14.02.2020 under Sections 498-A and 406 of IPC, registered at Police Station PS Women



Batinda, District Bathinda, Punjab and all the consequential proceedings arising therefrom.

3. For the sake of brevity, the facts are being taken from CRM-M-40007-2020. The essence and the subject matter of FIR is matrimonial dispute between the parties.

4. While giving the facts of the present case, Mr. Sukhandeep Singh, learned counsel for the petitioner has submitted that it is a case where the complainant/respondent No.2 who is the father of respondent No.3-Gurnam Kaur Sidhu, wife of the petitioner-Simrandeep Singh Sidhu has lodged the present FIR by abusing the process of law. To substantiate his argument, he submitted that the marriage between the parties i.e. the petitioner, namely, Simrandep Singh Sidhu in CRM-M-40007-2020 and respondent No.3 (in both the petitions), namely, Gurnam Kaur Sidhu was solemnized in India on 22.12.2015 and thereafter, the same was registered on 01.02.2016 in the USA since the husband-Simramdeep Singh Sidhu, his parents and respondent No.3-wife and also the complainant who is the father of respondent No.3, reside in the USA and rather they are citizens of the USA. After the solemnization of marriage, they immediately after a period of 10 days went back to the USA and started residing together. A son was also born out of the wedlock. However, unfortunately a matrimonial dispute cropped up between both of them, which resulted in filing of a matrimonial divorce proceedings before competent Courts of California in the USA. The matter was settled between the husband and wife and the terms of settlement was reduced in the form of writing by way of a 'Marital Dissolution Agreement' before the Courts in California, which is attached with the present petition as Annexure P-5 and as per the settlement all



the disputes between the husband-Simramdeep Singh Sidhu and wife-Gurnam Kaur Sidhu was amicably and finally settled and thereafter, on the basis of the aforesaid settlement, the final Decree of divorce was passed vide Annexure P-6 by the Chancery Court for Washington County at Jonesborough, Tennessee and the case was finally decided whereby a decree was passed in which all the disputes pertaining to the alimony, custody of children, real property, vehicles, bank and retirement accounts, household furnishings, credit cards/other debts, health/automobile/homeowner's insurance, taxes, support, future expenditure and both of them have fully accepted the terms of settlement vide Annexure P-5, which was so expressly incorporated in the aforesaid settlement. The Divorce between the parties attained finality on 30.07.2019 vide a decree passed by the Court of the USA.

5. Learned counsel for the petitioner further submitted that however it was after about 7 months that the intentions of the complainant, who is the father of the wife of the petitioner became dishonest and he after 7 months lodged the present FIR on 14.02.2020 by making evasive and baseless allegations pertaining to the entrustment of articles of *Istridhan* and some other allegations were made in the FIR but he actively concealed that the matter has been finally settled between the parties and also did not disclose that the entire dispute has been settled in the Courts of the USA and in this way false FIR was registered against the petitioners in both the petitions which amounts to the abuse of the process of law because it was based upon pure malice on the part of the complainant.

6. Learned counsel for the petitioner also submitted that considering the aforesaid facts and circumstances, the prayer of the petitioners is squarely



covered by the authoritative law laid down by Hon'ble Supreme Court in "*State of Haryana and others Vs. Ch. Bhajan Lal and others*", 1992 SCC (Criminal) 426, wherein even on the ground of malice being proved, the FIR is liable to be quashed even at the initial stage. He further submitted that the petitioners, namely, Kuldip Singh Sidhu and Harpal Kaur, who are the parents of petitioner/husband were rather arrested by the police in the present FIR and they remained in custody for about 10 days at Bathinda and that also added to the further malice of the complainant as they are age old parents, who had nothing to do with the matrimonial disputed between the parties which already stood settled at the time of the registration of the FIR but still they were made to face hardships and had to spend 10 days in custody.

7. Mr. Karunesh Kaushal, AAG, Punjab has submitted that so far as the allegations against the parents of the husband are concerned, considering the facts and circumstances of the present case an appropriate order may be passed by this Court *qua* them but *qua* the husband since specific allegations have been leveled, the husband may face the trial.

8. I have heard the learned counsel for the parties.

9. The complainant and the wife both were impleaded as respondents in both the petitions and notice were issued to both of them but at the initial stages they were not served because they were not present in India. Therefore, on 15.02.2021, the learned counsel for the petitioner had prayed for some time to serve respondents No.2 and 3, who are the complainant and wife through electronic mode as well and thereafter on 31.03.2021, the Union of India through the learned Additional Solicitor General of India was impleaded as party i.e. respondent No.4 and the learned counsel for Union of India



undertook to serve respondents No.2 and 3 through Indian Consulate in USA. E-mail addresses were also supplied by the learned counsel for the petitioner to the learned counsel for the Union of India. Thereafter, the Registry of this Court reported that the service of respondents No.2 and 3, who are the complainant and the wife is complete as per the letter received from the Ministry of Home Affairs and this was also reflected in the orders passed by this Court on 23.05.2024 that the service is complete towards the complainant and wife of the petitioner who are respondents No.2 and 3. The service has been effected through the US Authorities and in this regard the Registry has also attached a letter dated 26.04.2024 which has been issued by the Under Secretary to the Government of India to the Registrar General of this Court giving report pertaining to the service of notice to the respondents No.2 and 3 i.e. Pal Dhaliwal Singh and Gurnam Kaur Singh, who are residing in USA and it was so stated in the aforesaid letter that the US Authorities has confirmed execution of the request and enclosed proof of service, FedEx Reports, reflecting service of documents on 19.04.2024. In this way, service to respondents No.2 and 3, who are the complainant and the wife of the petitioner-Simrandeep Singh Sidhu was complete but they never appeared before this Court. Therefore, this Court would proceed to decide the present petition *ex parte* in the absence of the aforesaid respondents No.2 and 3 because despite being served they did not appear at all.

10. The present FIR is of dated 14.02.2020. The marriage took place between the petitioner-husband and respondent No.3-wife on 22.12.2015 in India and thereafter, petition for dissolution of marriage was filed in the USA on 01.02.2016. All the parties i.e. the husband, his parents, wife and her father



are residents and citizens of USA. Before the Courts of USA, the husband and wife has settled their matrimonial dispute with each other and the settlement was reduced in the form of writing which has been annexed as Annexure P-5 with both the petitions and the Agreement is dated 20.06.2019, which clearly shows that all the disputes pertaining to the children, real property, vehicles, bank and retirement accounts, household furnishings, credit cards/other debts, health/automobile/ homeowner's insurance, taxes, support and all other such disputes have been settled between the parties and the agreement has been signed by both the husband and the wife. Thereafter, vide Annexure P-6 the marriage has been dissolved between the parties on 30.07.2019.

11. It was after about 7 months of the dissolution of marriage that the father of the wife lodged the present FIR in India by leveling usual allegations pertaining to demand of dowry, *Istridhan* etc. without mentioning the factum of dissolution of marriage and amicable settlement which has been reduced in the form of writing and being a part of the Decree of Divorce in USA which took place much prior to the lodging of the present FIR.

12. The law with regard to quashing of the FIR in such like cases where in the matrimonial dispute such FIR being lodged by roping in the parents-in-law and other relatives and also by making allegations which amount to the abuse of the process of law was considered by Hon'ble Supreme Court in "*Achin Gupta Vs. State of Haryana and Another*" 2024(2) RCR (Criminal) 880. The relevant portion of the aforesaid judgment is reproduced as under:-

"31. We are of the view that the category 7 referred to above should be taken into consideration and applied in a case like the one on hand a bit liberally. If the Court is



convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter. If the submission canvassed by the counsel appearing for the Respondent No. 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by the Cr.P.C. upon the High Court would be rendered otiose. We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the First Information Report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the First Information Report and the chargesheet papers disclose the commission of a cognizable offence. If the allegations alone as levelled, more particularly in the case like the one on hand, are to be looked into or considered then why the investigating agency thought fit to file a closure report against the other co-accused? There is no answer to this at the end of the learned counsel appearing for the State. We say so, because allegations have been levelled not only against the Appellant herein but even against his parents, brother & sister. If that be so, then why the police did not deem fit to file chargesheet against the other co-accused? It appears



that even the investigating agency was convinced that the FIR was nothing but an outburst arising from a matrimonial dispute.

32. Many times, the parents including the close relatives of the wife make a mountain out of a mole. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife, her parents and her relatives is the Police, as if the Police is the panacea of all evil. No sooner the matter reaches up to the Police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hyper sensitive approach would prove to be disastrous for the very institution of the marriage. In matrimonial disputes the main sufferers are the children. The spouses fight with such venom in their heart that they do not think even for a second that if the marriage would come to an end, then what will be the effect on their children. Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of



handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the Police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The Police machinery cannot be utilised for the purpose of holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.”

13. The law pertaining to the permissibility and circumstances for quashing of the FIR is otherwise also settled by Hon’ble Supreme Court in the case of ***State of Haryana and others Vs. Ch. Bhajan Lal and others case (Supra)***. The relevant portion of the aforesaid judgment wherein guidelines have been laid down is reproduced 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 extraordinary 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 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 FIR 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 FIR 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.



(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.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice".

14. One of the guidelines which was laid down by Hon'ble Supreme Court in the aforesaid judgment of ***State of Haryana and others Vs. Ch. Bhajan Lal and others case (Supra)*** was that if the FIR or any criminal complaint was based upon *mala fide* on the part of the complainant then in that situation the FIR or the complaint can be quashed in exercise of powers under Section 482 of the Code of Criminal Procedure even at the threshold level. So far as the practice of lodging of FIR in matrimonial dispute in a *mala fide* manner is concerned, the law with regard to the same has already been considered by Hon'ble Supreme Court in the case of ***Achin Gupta's case (Supra)***.

15. The facts and circumstances of the present case suggest that clearly the husband, his parents, wife and her father are the residents and citizens of USA where the matter was settled between the parties and also reduced in the form of writing vide Annexure P-5 which ultimately culminated into the dissolution of marriage vide Annexure P-6 and a perusal of the



aforesaid annexures would show that the entire dispute has been settled between the parties but the same was not disclosed by the complainant at the time of the lodging of the present FIR and usual allegations of entrustment of articles of *Istridhan* were levelled against the petitioners. Not only this, a perusal of the settlement (Annexure P-5) would show that even all the articles of *Istridhan* pertaining to gold items etc. were also settled between the parties and the decree of divorce attained finality. Therefore, this Court is of the considered view that lodging of the present FIR after about 7 months of the dissolution of marriage in USA will be nothing but pure abuse of process of law. So far as the argument raised by learned State counsel that *qua* the husband the FIR should sustain and he should face trial is concerned, the same is liable to be rejected in view of the aforesaid facts and circumstance of the present case. The matrimonial dispute was settled between husband and wife with her consent which culminated into divorce and therefore, there is no justification as to why the prosecution against the husband should also continue.

15. Considering the aforesaid facts and circumstance and the law laid down by Hon'ble Supreme Court both the petitions are allowed. The FIR No.12 dated 14.02.2020 under Sections 498-A and 406 of IPC, registered at Police Station PS Women Batinda, District Bathinda, Punjab and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

09.07.2025
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No