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

Sr. No.207

**CRM-M-44384-2024 (O&M)
Date of decision : 12.03.2025**

Madan Lal and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. A.S. Sabharwal, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

None for respondent No.2.

KIRTI SINGH, J. (Oral)

1. The petitioners, by way of the present petition filed under Section 528 of BNSS, 2023, are seeking quashing of the FIR No.29 dated 22.04.2022, under Sections 406 & 498-A IPC and Section 4 of Dowry Prohibition Act, 1961, registered at Police Station Women, District Police Commissionerate Jalandhar, District Jalandhar along with all subsequent proceedings arising therefrom including the impugned summoning order dated 22.07.2024 passed by the JMIC, Jalandhar in case bearing CHI-23554/2022 titled as '**State Vs. Mohit Malhotra**' whereby an application under Section 319 Cr.P.C. for summoning the petitioners as additional accused to face the trial along with accused has been allowed.

2. The abovesaid FIR was registered against accused Mohit Malhotra on the basis of a complaint bearing No.2527 (DCP) dated 12.08.2021 filed by respondent No.2 Kamna against her husband Mohit Malhotra, her father-in-law Madan Lal Malhotra, her brother-in-law Varun

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Malhotra, her sisters-in-law Jyoti, Pooja Chaudhary and Arti Kataria and her brother-in-law Rajesh Kataria, leveling allegations of giving her beatings, physical exploitation, physical and mental harassment for pressurizing her to bring more dowry and thereafter, forcibly ousting her from matrimonial home.

3. The translated version of the FIR is reproduced herein below:-

'Today one complaint No.2527-DCP dated 12.08.2021 has been received at the police station through post, the contents of which are as follows- To the Hon'ble Commissioner of Police, Jalandhar. Sub: Complaint against (1) Mohit Malhotra (husband) son of Madan Lal Malhotra (Mobile No.93160-34630, 74282-96898) resident of H.No.272, Sector 56, Gurgaon Haryana (2) Madan Lal Malhotra (father-in-law) Mobile No.78374-06033) resident of H.No.E-3076, Gali Kumharan, Gandhi Nagar, Fazilka (3) Varun Malhotra (Jeth) son of Madan Lal Malhotra, Mobile No.79865-19643, 81464-04370 resident of H.No.59, Shivalik Vihar, First Floor, Nayagaon, near Sheetla Mata Mandir, Mohali (4) Jyoti Narang (sister-in-law) Mobile No.82880-37819 wife of Late Sanjeev Narang resident of H.No.A-119, Radha Swami Colony, Behind Cold Store, Fazilka 152123 presently resident of Street No.1, Vijay Colony Fazilka (5) Pooja Chaudhary (sister-in-law) mobile No.86288-27806, 86280-33502 wife of Subhash Chaudhary c/o Som Dutt Sharma, Ward No.9, H.No.222, Bhota Chowk, Near Bus Stand, Hamirpur (6) Aarti Kataria (sister-in-law) mobile No.94175-28750, 98038-33550 wife of Rajesh Kataria (7) Rajesh Kataria (husband of sister-in-law) Mobile No.79864-29542, 90230-28062 son of Prem Kumar, both residents of H.No.HN-3354, Sector 46-C, Chandigarh and H.No.3340/2, Sector 47-D, Chandigarh 160047 for giving beatings, physical exploitation, physical and mental harassment for pressurising the complainant to bring more dowry and thereafter, forcibly ousting her from the matrimonial home. It is respectfully submitted that I Kamna daughter of Jawahar Lal Dhingra wife of Mohit Malhotra am resident of H.No.120, Narain Nagar, Jalandhar and respectfully submit as under: That my marriage was solemnised with accused No.1 Mohit Malhotra on 26.01.2019 at Jalandhar as per Sikh religious rites. That on the asking of my in-laws family, my parents organised our ring ceremony and marriage ceremony programme at Hotel Sangrila, Jalandhar with great pomp and show by spending beyond their capacity. That on the asking of accused no.2 Madan Lal Malhotra, at the time of ring-ceremony my parental family gave one gold chain and one gold

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ring to accused No.1 Mohit Malhotra and shagun of Rs.50,000/-. At the time of milni other relatives e.g., Mama-Mami, brother, three sisters, bua, chacha, two Jijas, one Kudam and two neighbour uncles were given Rs.10,000/- each on the asking of my in-laws family members and my sister-in-law Aarti Kataria. And my in-laws family had told that they will not perform Milnis at the time of marriage and there only demand was to perform the marriage in some hotel. Therefore, we had booked Hotel Sangrila, Jalandhar. That after our engagement, when in the year 2018, there was my Karva Chowth, my inlaws family brought articles for the Fast and came to Jalandhar. At that time my sister-in-law Aarti Kataria and her husband Rajesh Kataria, accused No.3 Varun Malhotra, his wife Nitha and their son also came. At that time, they demanded cash of Rs.50,000/- and stated they would themselves purchase their clothes of shagun. In the said demand, my husband Mohit Malhotra was also a consenting party. Thereafter, 1 October 2018, my husband made a phone call to me and demanded Rs.50,000/- more from my parental family on the pretext that operation of his father Madan Lal Malhotra is to be conducted in PGI Chandigarh and they need money for this. He promised to return the money later. At this, I alongwith my mother Bimla, sister Kiran and son of my sister went to the house of my Jeth in H.No.59. Shivalik Vihar, First Floor, Naya Gaon, Near Sheetla Mata Mandir, Mohali and made payment of Rs.50,000/- as demanded by my husband. After counting the money, my husband further handed over the said money to my sister-in-law Aarti Kataria. However, till date said money has not been returned by my inlaws family to my parental family. That a few days prior to marriage, there was Lohri festival. At that time my husband and my inlaws family suddenly raised demand of Rs.5.00 lacs on phone on the pretext that they want to purchase furniture because at that time my husband Mohit Malhotra was serving in MT Educare Ltd. 220, 2nd Floor, Neptune Flying Colours, Pandit Din Dayal Upadhya Marg, LBS Cross Road, Muland, West Mumbai. At this time, my parents with great difficulty arranged a sum of Rs.5.00 lacs and gave to my husband and my inlaws family. At that time, my sister-in-law Aarti Kataria was also with them. At the time of marriage, my parental family gave Rs.51,000/- in cash to my inlaws family as shagun. Later my husband Mohit Malhotra also took goods worth Rs.5.00 lacs from my parental family which included double bed, sofa-cum-bed, fridge and asked them to bring kitchen items from Chandigarh. However, despite giving all this in dowry, my inlaws family was not satisfied. I was married at H.No. E-3706, Gali Kumharan, Gandhi Nagar, Fazilka. There on the next day of my marriage on 27.01.2019, a marriage reception party had been organised. There they received Rs.20,000/-cash from my parents. Similarly, on the asking of my husband, my parents brought

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clothes for my sisters-in-law and my father-in-law. After a few days of marriage, my above said my in-laws family members including my sisters-in-law Pooja Chaudhary, Aarti Kataria and Jyoti Narang started taunting me on the pretext of dowry and stated that their parents had given furniture items worth Rs.10.00 lacs each on their marriages but you people could not spend even Rs.5.00 lacs on furniture. It is pertinent to mention here that husband of my sister-in-law Jyoti Narang had already expired and therefore, she was staying in Fazilka itself. After a few days, in February 2019, we went to live in H.No.404, Swapna Sagar, Chs Mulund West Mumbai as my husband was serving there in a company. After reaching there, I came to know that my husband is a drunkard type of person because at the time of engagement, it was informed to us that the boy is not consuming liquor but in reality, my husband was found to be a dead drunkard. Whenever I stopped my husband from consuming liquor, he used to give me beatings under the influence of liquor. I used to spend time in hunger, because my father expired on 15.02.2019. Therefore, in order to save my married life, I continued to bear all the atrocities. But above said accused persons did not have any pity on me and even started committing more atrocities. Whenever I asked my husband as to why they are treating me so badly, then my husband used to reply that in case I wanted to settle in my matrimonial home, I should bring Rs.5.00 lacs more from my parental family. When I used to refuse for this, my husband under the influence of liquor, used to beat me. On 04.04.2019, my husband demanded Rs.50,000/- from me. At this, I withdrew Rs.20,000/- from my account and sent the same to the account of my husband through phone. Rs.30,000/- in cash were received by my husband from me. I am hereby annexing photocopy of my account to prove transfer of money through phone. In May 2019, my husband under the influence of liquor gave me severe beatings, because of which I had to go to hospital. On 10th May 2019, I obtained treatment from Mumbai Clinic. However, my husband continued beating me under the influence of liquor, because of which I started to remain ill. Then in July 2019, my husband left me at the house of my brother-in-law (Jeth) Varun Malhotra at H.No.59, Shivalik Vihar, First Floor, Nayagaon, Near Sheetla Mata Mandir, Mohali and I was assured that there I would get better treatment. But there, I was kept as a servant and despite I being ill, I was made to do all household chores as a result of which, my health deteriorated even more. Whenever I refused to perform any work, my Jeth Varun Malhotra and Jethani Nisha used to give me beatings and hurl filthy abuses. Aggrieved with the same, finally I called at my parental house and narrated entire story to them. At this, my cousin brother and my mother took me back to Jalandhar on 06.08.2019, where I stayed for about 14 months. Then in September 2019, my husband Mohit

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Malhotra came to Jalandhar, tendered apology from my parents and assured them not to beat and abuse me in future and not to raise any other demand for money. After this, my husband took me to H.no.272, Sector 56, Gurugram, Haryana as my husband had changed his job. Thereafter we started residing in Gurugram. However, there was no change in my husband with regard to his raising demand for dowry and giving me beatings, because of which I started to remain ill. On account of this, on 13.10.2019 I was got admitted in Kirti Hospital, Gurgaon for treatment. Entire expenses on my treatment were borne by my parental family. Then in November 2019, after recovering from my ailment, I came back home, but my husband continued to maintain his same behaviour. Fed up with attitude of my husband, I started doing a job in Airtel Company because neither my husband was giving me any money for expenses nor getting medicine for me and rather used to consume liquor every day. In front of me he used to talk to a girl namely Sonali Rathore on video call. He used to tell me that loves only that girl. On account of this, my husband was not sharing bed with me. He used to always consume Sildenafil citrate tablets 50 mg. He was earlier also divorced on account of his relations with outside girls, his habit of consuming liquor, giving beatings and because of the taunts being given by my father-in-law Madan Lal Malhotra, my brother-in-law Varun Malhotra and my sisters-in-law. On account of the said reason, earlier marriage of my husband ended up in divorce in the year 2014 which was granted by the Hon'ble Court of Sh. Kuljit Pal Singh, Additional District Judge, Fazilka. Copy of the said judgment is attached herewith. His first wife had also filed a complaint in the Hon'ble Court of Sh. Kuljit Pal Singh, Additional District Judge, Fazilka under sections 406, 498-A, 376, 420, 354, 307, 328, 506, 504, 323, 148, 149, 120-B IPC, copy of which is not attached herewith. Thereafter, my husband used to give me severe beatings as I had started doing a job. On account of this reason, I had to leave my job and became ill. On 02.12.2019, I started getting treatment from Dr. Jayant Arora. This treatment also included injury suffered by me in my backbone after my husband gave me a kick blow because of which I was suffering severe pain. I was getting treatment from Dr. Jayant Arora. Thereafter, in December 2019, when I again got ill, my husband dropped me to stay with my father-in-law Madan Lal Malhotra in Fazilka, where I continued receiving treatment from Civil Hospital, Fazilka. There also, my father-in-law despite I being ill, used to make me work like servants and hurl filthy abuses. During this period, even my sister in law Jyoti Narang also taunted me for dowry and harassed me mentally. On account of the said reason, I had to remain admitted in Fazilka Hospital for one day and later I was referred to Faridkot Hospital. Copy of medical slip in this regard is attached herewith My sister-in-

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law Jyoti Narang and my father-in-law Madan Lal Malhotra in connivance with each other threw a ceiling fan on me, because of which I received injury on my left leg but my life was saved. Thereafter, my sister-in-law Jyoti Narang made me to consume something mixed with food, because of which I continued blood vomiting for days. On account of the said reason, I even remain admitted in Civil Hospital, Fazilka for one day. After this, I informed my parental family in this regard. Then my parents took me alongwith them to Jalandhar. After this on a number of occasions my parental family convened a panchayat and came to Fazilka but above said accused persons used to seek sorry from panchayat and thereby cheat me and my parental family. On the other hand, I continued to tolerate all the said atrocities for saving my married life. When my condition was very serious and I was at my parental house, my sister in law Aarti Kataria in order to harass me, sent me a bell as a gift by hand through my husband. This was informed by my husband so that whenever I would be in need of something, I should ring the bell. All this was being done to mentally harass me by my sister-in-law Aarti Kataria. After staying at my parental house for sometime, my husband sought apology from my family members and took me back to Gurgaon. My continued to take me alongwith him after seeking apology but later he used to start beating me. In September 2020, I remained admitted in Gurgaon hospital because of illness. But despite all this behaviour of my husband and my in-laws family remained the same towards me. Thereafter, after having fed up with regular beatings of my husband, physical exploitation and taunts, I came back to Jalandhar in October 2020, where my parental family got me treated. After this, neither my husband came again to take me back nor he ever tried to contact me. They never tried to contact me on phone. All the documents relating to my treatment are attached herewith. Photographs regarding my husband giving me beatings, sleeping separately in a room, my sister-in-law giving me a bell as gift, photographs of ceiling fan having thrown on me and my treatment slips are attached herewith. As such, you are therefore respectfully prayed strict legal action may be taken against above said accused persons for harassing me mentally, committing my physical exploitation. I have come to know that my husband is trying to flee away abroad. As such, it is requested that his passport may be confiscated. Thanking you, sd/ Kamna daughter of Jawahar Lal Dhingra, wife of Mohit Malhotra resident of H.No.120, Narayan Nagar, Jalandhar, Mobile No.96553-32224.'

4. Learned counsel for the petitioners *inter alia* submits that petitioner No.1 is 74 year old father-in-law, while petitioners No.2 & 3 are married sisters-in-law and petitioner No.4 is the widowed sister-in-law of

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respondent No.2, living in their respective matrimonial homes. He contends that respondent No.2, after performing marriage with son of petitioner No.1, it being the second marriage of both parties, moved to Mumbai with her husband and thereafter, they shifted to Gurugram, whereafter matrimonial disputes ensured between the parties and they started residing separately; and that it was after 17 months from the date of separation between them that the present FIR was registered. It is further contended that after thorough investigation, the petitioners were declared innocent by the investigating agency and they were kept in column No.2 of the final report filed under Section 173 Cr.P.C., since they were residing separately from respondent No.2 and her husband and as such, had no role in the matrimonial life of respondent No.2. To buttress his submissions, learned counsel for the petitioners relies upon a Constitution Bench judgment of the Hon'ble Supreme Court in **Hardeep Singh Vs. State of Punjab 2014(1) RCR (Criminal) 623**, and contends that without satisfying the test of more than *prima facie* case, learned trial Court by invoking the power under Section 319 Cr.P.C. passed the impugned order dated 22.07.2024 (Annexure P2) in a mechanical manner.

5. Learned State counsel contends that the present FIR was initially only registered against accused Mohit Malhotra on the basis of complaint bearing No.2527 (DCP) dated 12.08.2021 filed by respondent No.2 Kamna, after an enquiry into the said complaint was conducted. It was recorded in the enquiry report that marriage of the complainant was solemnized with Mohit Malhotra on 26.01.2019 and it was the second marriage of both. He further submits that during enquiry, it came forward

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that the father-in-law of the complainant namely Madan Lal (petitioner No.1), aged about 74 years old, used to remain ill. Brother-in-law of respondent No.2 namely Varun Malhotra is staying in Nayagaon, Mohali separately with his family, sister-in-law of the complainant namely Jyoti is a widow of Sanjeev Kumar and she is having two kids and she is posted as Clerk in the office of BDPO, Abohar and mostly remained on her duty. During enquiry, it was also found that second sister-in-law of the complainant, namely Pooja was married to Subhash Chander resident of Hamirpur in 2007 and she is staying in her in-laws house. Third sister-in-law of the complainant namely Arti Kataria who is married with Rajesh Kataria is a resident of Sector 46, Chandigarh and she is also staying in her matrimonial home. He further submits that after due enquiry Madan Lal Malhotra, Varun Malhotra, Jyoti, Pooja Chaudhary, Arti Kataria and her husband Rajesh were found innocent. He also submits that after completion of investigation final report under Section 173 Cr.P.C. was presented against accused Mohit Malhotra before learned trial Court on 25.07.2022. Thereafter, during the course of trial, the petitioners were summoned under Section 319 Cr.P.C. by the trial Court vide order dated 22.07.2024, after applying judicial mind and observing that they had committed acts of physical and mental cruelty against respondent No.2. Hence, the present petition is liable to be dismissed.

6. Heard.

7. Before proceeding to adjudicate the matter, it is observed that none has caused an appearance on behalf of respondent No.2. Same was the position on the last two dates of hearing i.e. 23.01.2025 & 04.03.2025. The

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Court vide order dated 04.03.2025 had made it clear that in case, there was no representation on behalf of respondent No.2, the matter would be decided *ex parte*. Accordingly, this Court deems it appropriate to proceed *ex parte* as even today there is no appearance on behalf of respondent No.2.

8. Recently, it has been held by the Hon'ble Supreme Court in **Dara Lakshmi Narayana and others Vs. State of Telangana and another** **2024 SCC Online SC 3682**, that cases in which there is a mere reference to the names of the family members in a criminal case arising out of the matrimonial dispute, without any specific allegations indicating their active involvement, should be nipped in the bud, in absence of a clear cut *prima facie* case against them. The relevant observations in this regard are extracted hereunder:-

“28. The inclusion of [Section 498A](#) of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like [Section 498A](#) of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke [Section 498A](#) of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under [Section 498A](#) of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for

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dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under [Section 498A](#) of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

30. In the above context, this Court in [G.V. Rao vs. L.H.V. Prasad, \(2000\) 3 SCC 693](#) observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

31. Further, this Court in [Preeti Gupta vs. State of Jharkhand \(2010\) 7 SCC 667](#) held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband’s close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.”

9. In another recent judgment passed by the Hon’ble Supreme Court in [Achin Gupta Vs. State of Haryana and another, 2024 SCC Online SC 759](#), it has been held that the Court must proceed pragmatically and must read between the lines to unearth whether a *prima facie* case for proceeding against the persons accused of an offence infact exists. It must not shut its eyes and raise its hands in helplessness by mechanically saying that the FIR and chargesheet papers disclose the commission of a cognizance

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offence. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the Court. The relevant observations in this regard are extracted hereunder:-

“25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.

xxxxxx xxxxx xxxxxxx

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,

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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

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amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.'

10. A perusal of the record clearly indicates that petitioner No.1, aged over 70 years, is a retired government employee from PSPCL. Petitioner No.2 is married since 1996 and living happily with her family at Hamirpur, Himachal Pradesh; petitioner No.3 is married since 2000 and living happily with her family at Chandigarh, Petitioner No.4 was married since 2006 and living with her family at Fazilka; unfortunately her husband died in road accident in 2011 and she got job on compassionate ground in the office of BDPO as a Clerk.

11. There is no specific evidence on record to indicate there direct involvement in any act of cruelty or mis-appropriation of dowry articles. It is a well settled principle that merely by virtue of being related to the husband, persons cannot be roped into dowry cases without substantial proof of their active participation.

12. Accordingly, a conspectus of the facts and circumstances and in light of the judicial pronouncements discussed hereinabove, this Court is of the considered opinion that in the absence of any cogent reliable evidence, no purpose would be served in continuing with the criminal proceedings qua the petitioners. Therefore, the present petition is allowed and FIR No.29 dated 22.04.2022, under Sections 406 & 498-A IPC and Section 4 of Dowry Prohibition Act, registered at Police Station Women, District Police Commissionerate Jalandhar, along with all the subsequent proceedings arising therefrom as well as impugned summoning order dated 22.07.2024 passed by the JMIC, Jalandhar are quashed qua the petitioners.

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13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.03.2025
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No