



CRM-M-8595-2016 (O&M)

-1-

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

202

**CRM-M-8595-2016 (O&M)
Decided on:- 28.04.2025**

Satnam Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Saleem Malik, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Rajeev K. Kapila, Advocate
for respondent No. 2.

* * * * *

AMARJOT BHATTI, J.(Oral)

1. Petitioner Satnam Singh has filed petition under Section 482 Cr.P.C. for quashing of impugned FIR No. 01 (Annexure P-1) dated 06.01.2015 under Section 498-A, 494 of IPC registered at Police Station Garhdiwal, District Hoshiarpur and all consequential proceedings arising therefrom.

2. As per the facts of case, FIR No. 01 dated 06.01.2025 (supra) (Annexure P-1) was registered on the written complaint of Harjinder Kaur. She filed written complaint No. 2871-SSP dated 29.08.2014, addressed to SSP, District Hoshiarpur against her husband Satnam Singh and other members of in-laws family. As per facts, she got married with Satnam Singh on 29.05.2003 as per Sikh rites and ceremonies at Village Dhurian, Post Office Hussainpur Lallowal, District Hoshiarpur. Out of this wedlock,



she is having son Jaspreet Singh, born on 06.08.2004. Her parents had given dowry articles including cash of Rs. 40,000/- for purchase of motorcycle. Relationship between complainant and her husband and in-laws family remained cordial only for 15 days. Thereafter, she was harassed and beaten up on one pretext or the other. Accused No. 1 had no love and affection towards his minor son. He used to say that she was not suitable match for him as she belonged to a poor family. He wanted to marry a beautiful girl in rich family. Complainant has narrated various incidents when she was kept confined along with her minor child at different places and she was also severely beaten up. Her parents came to know about her condition, who came for her rescue on 07.11.2004 but finally they were permitted to come inside police quarter on 08.11.2004. She was being forced to effect compromise. She was sent to her parental house along with minor child by giving assurance that she will be taken back by 22.11.2004. Nobody came to take her back. On the contrary, accused No. 1 filed false application against her before SSP, Hoshiarpur. Complainant has given detail of a petition filed by her husband under Section 9 of Hindu Marriage Act in December, 2004 at Hoshiarpur. On 25.02.2009, he was to appear in Court to take her back in matrimonial home but he did not appear and case was accordingly dismissed. Complainant came to know that accused No. 1 has solemnized second marriage with accused No. 9 and a female child Jaskirat Kaur was born on 04.04.2011. Birth Certificate of child was also produced. Complainant has given detail of dowry articles given at the time of marriage and manner by which she was ill-treated in matrimonial home. She also filed one petition



under Section 125 Cr.P.C. in which she along with her child was granted maintenance. Matter was inquired and thereafter present FIR was registered under Section 498-A and 494 of IPC.

3. Learned counsel for petitioner argued that all the allegations detailed in FIR are false. Marriage was performed in a simple manner. No dowry articles were given nor there was any demand. Allegations of maltreatment in matrimonial home are false and without any basis. Respondent No. 2 was kept in matrimonial home with love and affection. She along with their child was given all facilities within his possible means. In fact, she did not want to stay along with his grandmother who was 80 years of age. Behaviour of respondent No. 2 was rude, defamatory and she was behaving indifferently day by day. She was under the influence of her relatives. Petitioner along with his uncle visited parental house of respondent No. 2 to bring her back but she was not ready to return in matrimonial home. On repeated requests and with intervention of middlemen, finally she came to matrimonial home along with child. She started indulging with activities of *Tantrik* of Village Jaura against his wishes. He has also given detail of events which allegedly took place in matrimonial home. He was beaten up by unidentified persons. She returned to her parental house and when he again went to bring her back, he came to know that his wife had gone to Ropar. Respondent No. 2 openly asked for divorce. Now after lapse of 11 years, respondent No. 2 filed false, frivolous complaint on the basis of which FIR has been registered. All allegations levelled against him are vague, false and frivolous. Police could not have taken cognizance on the complaint of respondent No. 2 after the lapse of 11



year, since the same is barred by limitation under the provisions of 468 of Cr.P.C. Therefore, continuation of criminal proceedings on the basis of aforesaid FIR is misuse of procedure under criminal law. Regarding petition filed against him under Section 125 Cr.P.C, he is already making payment of maintenance. Certificates issued by SSP, Khanna in this regard are Annexures P-2 and P-3. Therefore, FIR and consequent proceedings thereunder are liable to be quashed.

4. Learned counsel representing State filed status report taking the stand that on the complaint of respondent No. 2 inquiry was conducted by Incharge Women Cell, Hoshiarpur. After inquiry, it was found that it was respondent No. 2/complainant who was facing continuous harassment and it was also verified that HC Satnam Singh present petitioner had performed second marriage and out of that relationship, daughter namely Jaskirat Kaur was born. After proper inquiry, present FIR was registered under Section 498-A and 494 of IPC. Investigation was completed and challan was presented on 03.08.2015. Charge-sheet was framed by learned trial Court on 26.02.2016 and case was fixed for prosecution evidence. In the light of specific allegations and considering the gravity of offence, petitioner is not entitled to invoke extraordinary jurisdiction of this Court. Version put forward by petitioner was found to be false. Filing of petition under Section 125 Cr.P.C. by complainant is matter of record. It is submitted that petition filed by petitioner deserves dismissal.

Respondent No. 2 has filed detailed reply to petition confirming the allegations detailed in FIR. Respondent No. 2 has given detail of petition filed under Section 125 Cr.P.C. as well as order passed in



revision petition vide which quantum of maintenance was enhanced. After filing of this case, petitioner has also filed one petition under Section 13 of Hindu Marriage Act on 24.05.2013, which is being contested by respondent No. 2. Copy of written statement filed by respondent No. 2 is Annexure R-2/4 and copy of order dated 30.08.2016 is Annexure R-2/5. Petitioner has failed to explain his own act and conduct. He has performed second marriage with Surinder Kaur without taking divorce from her and out of this wedlock Jaskirat Kaur, a girl child was born on 04.04.2011. Copy of her Birth Certificate is Annexure R-2/6. These years respondent No. 2 was running from pillar to post for getting justice. Moreover, offence under Section 498-A of IPC is a continuing offence, therefore, petitioner cannot derive any benefit under Section 468 Cr.P.C. Petitioner is already charge-sheeted under Section 498-A and 494 of IPC vide charge-sheet dated 26.02.2016 drawn by Judicial Magistrate Ist Class, Dasuya (Annexure R-2/1). Therefore, in view of specific serious allegations, petition filed by petitioner deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. Facts narrated in FIR indicates that marriage of Harjinder Kaur complainant/respondent No. 2 took place with Satnam Singh petitioner on 29.05.2003 and out of this wedlock she is having a son born on 06.08.2004, who is residing with respondent No. 2. It is not disputed that on account of matrimonial dispute, both husband and wife started residing separate. This fact is clear from other litigation which started between them. Petitioner filed petition under Section 9 of Hindu Marriage Act, which was dismissed on 25.02.2009 (Annexure R-2/2). Thereafter, he



CRM-M-8595-2016 (O&M)

-6-

filed petition under Section 13 of Hindu Marriage Act which is still pending. On the other hand, it is a case of respondent No. 2 that without taking divorce from respondent No. 2/complainant, he has remarried and out of this relationship, he is having a daughter namely Jaskirat Kaur, whose Birth Certificate is Annexure R-2/6. It cannot be ignored that matrimonial dispute is going on since long. After thorough investigation, FIR was registered and on completion of investigation, challan is already presented on 03.08.2015 and even charge-sheet has been framed against petitioner on 26.02.2016 (Annexure R-2/1) under Section 498-A and 494 of IPC.

Therefore, considering the allegations, I do not find exceptional circumstances on the basis of which aforesaid FIR along with subsequent proceedings can be quashed. Matter in controversy can be decided only after recording of evidence of both the sides. Trial already pending before learned Judicial Magistrate First Class, Dasuya deserves to be decided on merits. Therefore, finding no merits in present petition seeking quashing of FIR along with consequential proceedings, same is accordingly, dismissed.

6. Copy of this order be sent to trial Court.

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

28.04.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No