



CRM-M-55167-2023 (O&M)

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

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CRM-M-55167-2023 (O&M)

Date of Decision : 23.07.2025

Harjiwan Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Vijay Kumar, Advocate
for the petitioners.

Ms. Manjot Kaur, AAG, Punjab.

Mr. R.S. Dadwal, Advocate
for respondent No. 2.

AMARJOT BHATTI J. (ORAL)**CRM-298-2024**

This is an application filed under Section 482 of Cr.P.C. for placing on record Annexure P-12 i.e. complaint against in-laws family given to SSP, Police District Ludhiana (Rural), Jagraon and Annexure P-13 i.e. statement of Gunjeet Kaur.

For the reasons enumerated in application, same is allowed. Accompanying documents Annexure P-12 and Annexure P-13 are taken on record, subject to all just exceptions.

Main case

1. Petitioners Harjiwan Singh (husband), Sukhdev Singh (father-in-law), Gian Kaur (mother-in-law) and Kamaljit Kaur (sister-in-law) have filed



petition under Section 482 of Cr.P.C. for quashing of Complaint No. 7 dated 07.02.2019 under Section 406, 498-A, 323, 427, 506 and 34 of IPC (Annexure P-1) registered at Police Station Sadar Jagraon, District Ludhiana alongwith quashing of summoning order dated 06.04.2023 passed by learned Sub Divisional Judicial Magistrate, Jagraon (Annexure P-11), whereby petitioners have been wrongly and illegally summoned by learned trial Court under Section 406, 498-A, 323, 427, 506 and 34 of IPC and all subsequent proceedings arising out from the impugned complaint.

2. As per the facts, Gunjit Kaur (wife) respondent No. 2 filed complaint against her husband Harjiwan Singh and other members of in-laws family under Section 406, 498-A, 323, 427, 506 and 34 of IPC (Annexure P-1). As per the facts narrated in complaint, marriage of Gunjit Kaur took place with Harjiwan Singh on 09.04.2016 and out of this wedlock, she is having a son born on 22.06.2017. Complainant alleged that her parents had spent Rs. 20 lacs on her marriage. She was given dowry articles as her istsridhan. Even then they were unhappy with dowry articles. She was taunted and humiliated in matrimonial home. She has narrated various incidents which took place during her stay in matrimonial home and finally she filed present complaint.

After recording preliminary summoning evidence, learned Sub Divisional Judicial Magistrate, Jagraon passed summoning order dated 06.04.2023 (Annexure P-11) vide which present petitioners/accused were ordered to be summoned under Section 406, 498-A, 323 of IPC.

3. Learned counsel representing petitioners raised the issue that all allegations levelled against petitioners are false. She had filed complaint in the year 2018 to SSP, Police District Ludhiana (Rural) (Annexure P-12), but the same was withdrawn. Statement of Gunjit Kaur recorded before police is



Annexure P-13. Regarding matrimonial dispute, Panchayati compromise was arrived at on 07.08.2020 (Annexure P-2). In pursuance of this compromise, Harjiwan Singh and Gunjit Kaur filed joint petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent and copy of *zimni* order dated 11.08.2020 is Annexure P-3. At the time of recording of their statements on first motion, Gunjit Kaur had received Rs. 2 lacs and statement of second motion was to be recorded on 23.02.2021. Thereafter, she never turned up. *Zimni* orders are annexed as Annexures P-3 to P-7. Finally, Harjiwan Singh had withdrawn said petition by making statement in Court on 27.07.2021 (Annexure P-8) and petition under Section 13-B of Hindu Marriage Act, 1955 was finally dismissed vide order dated 27.07.2021 (Annexure P-9). Later on, she filed petition seeking maintenance under Section 125 Cr.P.C. She failed to return the money which she had received during the proceedings under Section 13-B of Hindu Marriage Act, 1955. Thereafter, she filed present complaint (Annexure P-1) by levelling false and baseless allegations. Therefore, filing of said complaint (Annexure P-1) and summoning order dated 06.04.2023 (Annexure P-11) are gross misuse of process of law. It is submitted that complaint and aforesaid summoning order may kindly be quashed.

4. Learned counsel representing respondent No. 2 opposed present petition by alleging that there are specific serious allegations against petitioners and on the basis of pre-summoning evidence led by respondent No. 2, summoning order dated 06.04.2023 (Annexure P-11) has been passed. Petitioners have not preferred revision against said summoning order and they have filed present petition seeking quashing of complaint (Annexure P-1) and summoning order (Annexure P-11) straightway. Learned counsel representing respondent No. 2 did not dispute previous compromise arrived at between the



parties. It is pointed out that compromise could not materialize as it was Harjiwan Singh who was not having money to pay as per agreed terms and conditions. It was further observed in order dated 27.07.2021 (Annexure P-9) that interest of minor was not looked into while arriving at the said compromise. There are serious allegations against petitioners and on the basis of evidence summoning order has been passed. Petition filed by petitioners is without merits and same has been filed only to delay the proceedings before the trial Court.

5. I have considered the arguments and have gone through the record carefully. Facts of the case clearly indicates that there is a matrimonial dispute going on between the parties since long. There is a Panchayati Compromise dated 07.08.2020 (Annexure P-2) and in pursuance of same, both petitioners filed joint petition under Section 13-B of Hindu Marriage Act, 1955. Adjournments were taken on the joint request of learned counsel for petitioners and finally same was withdrawn on the statement of petitioner No. 1 Harjiwan Singh vide order dated 27.07.2021 (Annexure P-9). Thereafter, other litigation started between the parties. Compromise could not mature. Therefore, on the basis of said compromise and litigation, this Court cannot reach to conclusion that complaint (Annexure P-1) has been filed by levelling false allegations. On the filing of complaint, pre-summoning evidence was recorded and thereafter, summoning order dated 06.04.2023 (Annexure P-11) has been passed. It is matter of record that petitioners did not prefer any revision against summoning order. Petitioners can raise their defence at appropriate stage. On the basis of documents available on record and arguments advanced by learned counsel for petitioners, it cannot be held at this stage that complaint (Annexure P-1) is filed



with false allegations or summoning order dated 06.04.2023 (Annexure P-11) is without justification.

Considering the aforesaid factual position, I do not find merits in petition filed by petitioners seeking quashing of complaint (Annexure P-1) as well as summoning order dated 06.04.2023 (Annexure P-11) and same is, accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

23.07.2025
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No