

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-8020-2025 (O&M)
Reserved on:-15.1.2026
Date of Decision: 28.1.2026

Gurpreet Singh DhillonPetitioner

Versus

State of Punjab and anotherRespondents

2. CRM-M-59279-2024 (O&M)

Ranbir Kaur and anotherPetitioners

Versus

State of Punjab and anotherRespondents

1	The date when the judgment is reserved	15.1.2026
2	The date when the judgment is pronounced	28.1.2026
3	The date when the judgment is uploaded on the website	28.1.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	N.A.

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

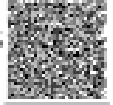
Argued by: Mr. P.S.Ahluwalia, Senior Advocate with
Mr. Hargun Singh Sandhu, Advocate and
Ms. Bhavi Kapur, Advocate
for the petitioners (in both cases).

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Ramandeep Singh Brar, Advocate
for respondent No. 2.

KIRTI SINGH, J.

1. Since both the petitions (supra) arise from a common FIR,
hence they are amenable for a common verdict being made thereupon.



2. The present petitions have been filed under Section 528 of BNSS, 2023 for quashing of FIR No. 10 dated 21.5.2021, under Sections 406 and 498-A IPC, registered at Police Station NRI, District Police Commissionerate, Amritsar and all other consequential proceedings arising therefrom including the final report dated 31.8.2022 and the order dated 19.9.2023 framing charges against the petitioners (in CRM-M-59279-2024). Furthermore, petitioner Gurpreet Singh Dhillon (in CRM-M-8020-2025) has also sought quashing of the notice/summon issued by the learned JMIC on 29.10.2022 and the Look Out Circular dated 19.7.2021 issued vide letter No. 18624-26 by the investigating agency.

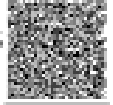
3. **CRM-M-59279-2024** has been filed by the parents-in-law, while **CRM-M-8020-2025**, has been filed by the husband of respondent No. 2.

Factual matrix

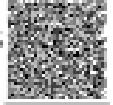
4. The facts in brief, are that the marriage between petitioner Gurpreet Singh Dhillon and respondent No. 2 was solemnized on 30.3.2018. No child was born from the said wedlock. Subsequently, a matrimonial dispute ensued between the parties, leading to the registration of the present FIR by respondent No. 2, levelling allegations of harassment, beatings and maltreatment on account of demand of dowry.

5. The translated version of the present FIR is reproduced below:-

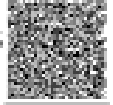
“Sir, it is requested that I Nxxxxx wife of Gurpreet Singh daughter of Bakhshish Singh, resident of village Sudhar, Tehsil Ajnala District Amritsar at present residing t 26 Broad Oak Ct, Brammpton, Cn L6Y3S 6, Canada. I am 22 years old and I came to Canada on student visa. I want to inform you that my engagement was held in the month of May, 2017 with Gurpreet Singh son of Dilbagh Singh resident of village Chakk Phulla, Tehsil Ajnala district Amritsar. Our mediator/Vichola was Nishan Singh son of Gurdial Singh sd village Sudhar, Tehsil Ajnala District Amritsar, who was relative of my in-



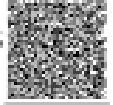
laws family. My Mother-in-law Neetu is sister in relation of Nishan Singh. After about 10-11 months from our engagement, my marriage was solemnized on 30.03.2018 as per Sikh rites and rituals at Golden Planet Palace, Ajnala Road Amritsar and the Anand Karaj was held in Gurudwara Morcha Sahib, Harsha Chheena, Amritsar. My parents had spent approximately Rs. 30-35 lacs. on my marriage and this marriage function was attended by 400-450 relatives and the entire arrangements of marriage were done by my parent. 1. At that time of Shagun ceremony, my parents had given gold Kaintha (weighing 2 ½ Tolas), one gold bracelet (1 ½ Tolas), gold ring (1/2 Tola), one gold chain (1 Tola), Rs. 11000/- as Shagun and costly clothes to my husband Gurpreet Singh 2) Gold Karah (11.5 Gams) Rs. 5100/- as Shagun and costly clothes were given to my Father-in-law Dilbagh Singh, 3) gold bangle (1 Tola) Rs. 5100/- Shagun and costly clothes were given to my Mother-in-law Neetu, 4) Gold ring (½ Tola), Rs. 3100/- as Shagun and costly clothes given to my Brother-in-Law Robindeep Singh, 5) gold ring (½ Tolas), Rs. 2100/- Shagun and costly clothes to my uncle-Father-in-law Gagandeep Singh, 6) gold ring (½ Tola) Rs. 2100 /- as Shagun and costly clothes to maternal uncle to my husband namely Jagdeep Singh. Apart from this, my parents had also given gold ring for grandfather (½ Tola), gold ring for grandmother (½ Tola), gold ring for Nani (½ Tola), gold Ring (½ Tola) for Fufarh, gold ring (½ Tola) for Taya/uncle, apart from it cash amount as Shagun and clothes were given. My parents had given me one gold set (2 ½ Tolas), four gold bangles (4 Tolas), one pair gold ear rings (1 Tola), gold ring (1/2 Tola), silver Panjebs, costly clothes were given to me and my parents had requested to my in-laws family that this is the dowry articles of our daughter which is her Istridhan and give this material to her when she need for it. At the time of marriage, my parents had given this entire Istridhan to my in-laws family in presence of relatives. I also want to inform you that some days before the marriage, my Study Visa of Canada was received, my parents told my in-laws family that we will not perform the marriage of our daughter right now, she will go to Canada and when she will come back from Canada after one year, then we will perform her marriage, but my in-laws family remained adamant for my marriage at that time. They pressurized for marriage by thinking that their son will also be settled at Canada. Therefore my marriage was solemnized on 30.03.2018 and after my marriage, I started living with my husband in my in-laws house. After some days of marriage, the behavior of my husband, Father-in-law, Mother-in-law, Dever, uncle and Maternal uncle of my husband become changed towards me and they started taunting me that your parents have insulted us as they have not given dowry as per their status. They told me that you have bring less dowry and said that the rich families were ready for marriage of their daughter with our son and were also ready to give big cars in dowry, but you a girl of hunger family came to our house, our luck



was bad, therefore you a girl of poor family came our house. Some days were spent after my marriage and I was very excited for my marriage life but due to said wording of my in-laws family, my dreams got destroyed. My parents have spent their entire savings of life on my marriage. I did not inform them about the said behavior of my in-laws family so that they may not do anything with themselves and kept on bearing everything. Thereafter my Father-in-law, Mother-in-law, Brother-in-Law, uncle-Father-in-law, maternal uncle of my husband started causing mental and physical harassment to me that you take our son to Canada with you and your family will spend money for this purpose. I informed my parents about the said facts and they also make my in-laws family understood that we will give everything as per our capacities. Thereafter on 14.04.2018 my marriage was registered and the entire money was spent by my parents for this purpose. My in-laws family told me that tell your parents to give a buffalo and a laptop of good quality, then my parents had given the buffalo worth Rs. 1,30,000/- and laptop (Del company) worth Rs. 50000/-. My in-laws family is so greedy and they kept on demanding something from my parents whenever my parents came to meet me. I also want to inform you that my in-laws family was acting under the instigation of my uncle-Father-in-law and maternal uncle-Father-in-law and they have played main role in ruining my life. On 27.04.2018, my ticket booked and amount for this purpose was paid by my parents and prior to leave the country, my husband and his family have taken my entire ornaments and told me that On these are useless for you in Canada. 27.04.2018, I went to Canada and during stay at Canada, my husband and his family kept on causing mental harassment to me that you call our son at Canada and maternal uncle of my husband was using defamatory words. My in-laws family was not restraining him from using said words. My in-laws family were also saying me that you call Harpreet Singh there at the earliest, your parents will spend money for this purpose. I also want to inform the visa of my husband Gurpreet Singh was refused from Australia and New Zealand but my in-laws family has got registered a false complaint about missing of his passport and have got issued a new passport so that nobody could knows that his Visa was refused from Australia and New Zealand. My in laws family has also cheated the government by preparing false document because the passport of my husband is with him. On 26.12.2018, I called Gurpreet Singh to me on spouse Visa and arriving at Canada, my husband told me that he need some dollars for his personal expenses and he has taken 6000 dollars from me. My Father-in-law, Mother-in-law Dever, Uncle and maternal uncle of my husband by making me phone calls and pressurizing me that Gurpreet has spouse Visa, you convert it into work permit and also told your parents to give us money. My husband Gurpreet Singh also kept on quarreling me in Canada on petty issues under the instigation of his parents. I



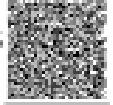
informed my parents about it then they got ready to fulfill the said demand of my husband and in-laws family for my happiness and they got ready to give some amount to Gurpreet Singh for work permit and on 21.11.2018, my father-in-law Dilbag Singh, Mother-in-law Ranbir Kaur and uncle of my husband went to my parental house in village Sudhar and my parents have handed over the amount of Rs. 2.00 lacs to them in the presence of relatives. Despite of that the behavior of my husband, Father-in-law, Mother-in-law, Brother-in-Law and other family members did not chage towards me and my husband started beating me in Canada under their instigate through phone calls. I also want to bring your kind attention towards the act that when I was pregnant in Canada then my husband also beaten me under the instigation of his family. My Father-in-law and Mother-in-law asked from a "Siyana" that if you will give birth to female child, then we don't need the girl child, you get the child aborted but I refused my husband for the same, then my husband has tortured me under the instigation of his family due to which, my child got aborted and when I got pregnant for second time, then my in-laws family told me that we don't need child from you, you get it aborted but I refused for it, then they started harassing me. I talked about it to my mediator Mishan Singh then my mediator alongwith his wife went to my in-laws family and tried to make the understood but my in-laws family asked that firstly we want PR, then we think about child. My mediator Nishan Singh and his wife Rupinder Kaur are fully aware to this fact. Thereafter my husband and my Brother-in-Law/Dever Robindeep Singh (who came at Canada on study Visa), have beaten me under the instigation of their family and given me some wrong medicine, due to which my child got aborted and the said medicine also badly affected my body and the surgery of my tubes was also done, resultantly, I could not conceive the pregnancy again I will also submit the report of doctors of Canada. My husband under the instigation of his family, has killed my child in my womb. My husband and in-laws family have ruined my life and also finished the hope of being mother for whole life. My in-laws family was saying to my parents that if you want to keep your daughter in Canada with our son then you have to give Rs. 20.00 lacs to Gurpreet Singh to start his work as well as to settle in Canada. They started demanding this amount from me. My brother Rajvir Singh, who is also living in Canada, also requested to my husband and his family that don't harass my sister but they also abused him and sometimes, they attacked to him. My husband use to threaten me and my brother in Canada to kill us. My husband as stolen my credit card and has withdrawn 3500 Dollars from my account. On 28.11.2020, my husband and Brother-in-Law have beaten me and also abused my brother. My husband in connivance to his brother, was forcing me that you leave Brampton City and go to Winnipeg so that they could PR at the earliest. On 29.11.2020, they forcibly sent me to Winnipeg through plan and they



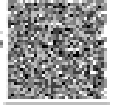
also started demanding 15000 Dollar from my parents for their personal expenses and when my parental family could not fulfill their said demands, then the he left me in the month of November, 2020 and thereafter he has filed a divorce petition against me in Canada on 16.12.2020. My parents also with relatives and respectables met my in-laws family at their house and requested them to ask your son to keep me with him and perform all the duties of husband but they all have flatly told my parents that if you want to keep your daughter with our son then given is Rs. 20.00 lacs to settle Gurpreet Singh in Canada, otherwise he will not keep your daughter with him. They have flatly refused to keep me in their house with Gurpreet Singh and when my parents have demanded my Istridhan back from them then they refused to give any item from my Istridhan and have openly said that we wanted to send our son to Canada with your daughter for money, we have done it, now you can do whatever you want to do. On that day, I came to know that it was scheme of my husband and my in-laws family to come at Canada and they have cheated us. My husband Gurpreet Singh and his brother threatening to kill me in Canada and if anything would be occurred to me then my husband and my Dever Robibdeep Singh will be responsible for the same. They all are threatening my parental family in India to kill them through Gangsters namely Jaggu Bhagwanpuria and Jagtar Boxer. If anything would be occurred to my family in India, then my husband and his family will be responsible for the same as my parental family have apprehension to their lives in India. Therefore you are requested that accused have caused mental and physical harassment to me under the demand of dowry and Rs. 20.00 lacs and have also misappropriated my Istridhan and they have taken lacs of rupees from me. They have caused mental and physical harassment to me for their personal motives and have cheated me. I also want to inform you that earlier my in-laws family said that they have land measuring 11 Killas but later on it came to know that they have land measuring 4 Killas only. They have falsely told us about it with the aim to cheat us under their some personal motives. Therefore you are requested that strict legal action be taken against the accused persons so that no other sister like me may not face the troubles like me and justice be provided to me. I shall be thankful to you.”

Common submissions made by learned senior counsel for the petitioners

6. The learned senior counsel for the petitioners has argued that petitioners have been falsely implicated in the present case by respondent No. 2. It has been argued that the complainant-respondent No. 2 stayed in India for a period of only 28 days after the marriage, and went to Canada for



her studies and the petitioners' family financially helped her. Thereafter, petitioner Gurpreet Singh Dhillon also left for Canada on a spouse visa on 26.12.2018. Subsequently, a dispute ensued between the parties at Canada as respondent No. 2 wanted petitioner-Gurpreet Singh Dhillon to start his own business after selling his family's agricultural land in India. Due to irreconcilable differences, the parties subsequently started living separately. It is further submitted that despite the circumstances, the family of the petitioner-husband made several efforts to reconcile the matter but to no avail. Thereupon, petitioner-Gurpreet Singh Dhillon filed a divorce petition before the Superior Court of Justice, Family Court, Ontario, Canada on 16.12.2020. The complainant-respondent as a counter-blast to the said divorce petition, filed a complaint with the police in Canada against the petitioner by leveling allegations of domestic assault and threat. However, on investigation, the allegations levelled therein against petitioner-Gurpreet Singh Dhillon was found to be false and he was discharged unconditionally. Moreover, respondent No. 2 was threatening to falsely implicate petitioner-Gurpreet Singh Dhillon if he continued to proceed with the divorce. Subsequently, vide judgment dated 25.1.2022, an ex parte decree of divorce was granted to the petitioner. It has also been argued that the instant FIR essentially stems from the matrimonial discord between petitioner-Gurpreet Singh Dhillon and respondent No. 2, on account of which even the family members of petitioner-Gurpreet Singh Dhillon have been roped in to face criminal proceedings. During investigation, all the accused except husband-Gurpreet Singh Dhillon and the parents-in-law, were found innocent. Learned counsel has further argued that the present FIR is barred by the principle of double jeopardy, as at the initial complaint lodged by respondent

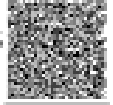


No. 2 in Canada on the same grounds of harassment and cruelty, has already been dismissed by the Peel Regional Police, Canada due to lack of evidence and falsehood. Moreover, respondent No. 2 has not come to the Court with clean hands as she failed to disclose the above said fact. It has also been argued that the Look Out Circular has been issued against petitioner Gurpreet Singh Dhillon by the investigating agency in a mechanical manner and without serving any notice to him. Learned senior counsel has also submitted that the present FIR is a counter-blast to the divorce proceedings initiated by petitioner-Gurpreet Singh Dhillon.

7. With respect to the involvement of the petitioners/parents-in-law of respondent No. 2 (in CRM-M-59279-2024), it is submitted that the instant FIR essentially stems from the matrimonial discord between the son of the petitioners and respondent No. 2, on account of which even the they been roped in to face criminal proceedings on mere bald assertions to further harass the family. There is no material on record to substantiate the same.

8. It is the further submission that all the incidents, as alleged by the complainant, even if *arguendo* are to be taken into consideration, had occurred in Canada. Therefore, this Court has no jurisdiction over the dispute, as contained in the present FIR, as the major part of the offences has been alleged to be committed outside the jurisdiction of the Courts in India.

9. In conclusion, it is stated that once the matrimonial ties between the parties have been legally severed by the Canadian Courts, there remains no reason for continuing criminal proceedings against the present petitioners. In support of his submissions, learned senior counsel has placed reliance upon the judgments passed by the Hon'ble Supreme Court in



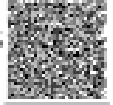
712, (ii) *Angrej Singh Sandhu versus State of Punjab 2018(2) DMC 310*, (iii) *Ashish Jain versus State of Haryana 2020(2) RCR (Criminal) 240* and the judgments passed by this Court in *CRM-M-45538-2021 titled as 'Ravinder Singh versus Kiranjit Kaur and another* and *CRM-M-26754-2017 titled as 'Vikramjeet Singh Tiwana versus State of Punjab and another*. Therefore, it is prayed that both the petitions be allowed and the present FIR be quashed and set aside.

Submissions made the learned State counsel

10. Learned State counsel submits that there are specific allegations levelled against the petitioners and that all averments made by the petitioners are matter of trial, which would be ascertained in due course.

Submissions made by the learned counsel for respondent No.2

11. Learned counsel for respondent No.2 contends that there are specific allegations qua the present petitioners in the instant FIR. It has been argued that the differences between the parties arose due to the continuous demands for dowry, cruelty and harassment being meted to respondent No. 2 by the petitioners. It is further submitted that the inquiry conducted by the Peel Regional Police in Canada, on the complaint of respondent No. 2, was not a criminal trial or a judicial proceedings that resulted in an acquittal or conviction on merits. Further, the said complaint was neither dismissed by the Canadian Police, nor any case was made out, which would bar the proceedings against the petitioners in India. It has also been argued that the petitioner-husband being aware of the ongoing investigation has failed to appear and cooperate with the investigating agency, therefore, Look Out Circular has rightly been issued against him. Therefore, it is prayed that both the petitions be dismissed.



Analysis & conclusion

12. Having heard learned counsel for the respective parties and having perused the material on record, the core issue for consideration before this Court is whether the criminal proceedings pursuant to the said FIR should be allowed to be continued, in light of the facts of the case, particularly when the parties have been divorced and are no longer in a marital relationship.

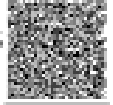
13. Before proceeding further, it would be apposite to first advert to settled law with respect to the parameters governing the exercise of jurisdiction of Section 482 of the Code of Criminal Procedure. In a celebrated judgment cited as ***State of Haryana Vs. Bhajan Lal, 1992 SUPP (1) SCC 335***, the Hon'ble Supreme Court has discussed different categories of cases wherein, the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while also observing that it might not be possible to lay down an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“102 (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

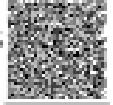


offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

- (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.”*

14. A gainful reference can also be made to the judgment passed by the Hon’ble Supreme Court of India in **“Geddam Jhansi & Anr. Vs. The State of Telangana & Ors.”**, arising out of **SLP (Criminal) No.9556 of 2022**, wherein it was held that Courts must be cautious when family relations are sought to be brought under criminal proceedings. It was observed that:-

31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the penal code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific



allegations with supporting materials which clearly constitute criminal offences.

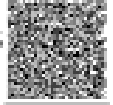
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35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.”

15. Similarly, it was 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,



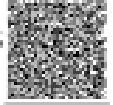
there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes 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 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.”

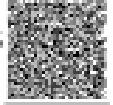
31. *Further, this Court in [Preeti Gupta vs. State of Jharkhand](#) (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment 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.”*



16. It would further be apposite to refer to the judgment passed by the Hon'ble Supreme Court in '***Abhishek versus State of Madhya Pradesh 2023 SCC OnLine SCC 1083***, The relevant para whereof reads thus under:-

"13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in Kahkashan Kausar alias Sonam and others vs. State of Bihar and others [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged."

17. In the 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 in fact exists. It must not shut its eyes and raise its hands in helplessness by mechanically saying that the FIR and charge sheet papers disclose the commission of a cognizance 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

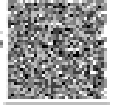


conduct, it is nothing but an abuse of the process of the Court. The relevant observations in this regard are extracted hereunder:-

“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.

x x x x x x

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



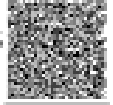
at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every 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."

18. Reference can also be made to the judgment passed by the Hon'ble Apex Court in ***Madhavrao Jiwajirao Scindia and Ors. v. Sambhajirao Chandojirao Angre and Ors. 1988 (1) R.C.R. 565***, wherein it was held as under:

"7. The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the Court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the Court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the Court cannot be utilized for any oblique purpose and where in the opinion of the Court, chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the Court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage."

19. Reverting to the case in hand, a cumulative circumspection of the judicial file reveals that the allegations against petitioner-Gurpreet Singh Dhillon are inextricably linked to the matrimonial discord between the parties. The marriage was solemnized on 30.03.2018 and, within 28 days thereof, the complainant relocated to Canada, where she has since been residing. The parties thereafter separated in Canada, and petitioner-Gurpreet Singh Dhillon instituted divorce proceedings on 16.12.2020.

20. The record further reflects that subsequent to the initiation of divorce proceedings, the complainant lodged a complaint alleging assault against petitioner-Gurpreet Singh Dhillon before the Canadian authorities,



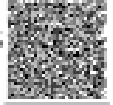
which, upon due inquiry, was found to be unsupported by corroborative material. The present FIR was lodged thereafter.

21. The allegations contained in the FIR traverse the period from the engagement through the post-marital phase, including the brief duration of cohabitation in India and the stay in Canada. While the accusations of demands, ill-treatment and abusive conduct deserve thorough enquiry, yet there are certain peculiar circumstances which cannot be lost sight of. The allegations levelled are broadly stated, and appear to be a product of a marriage that had ceased to function in harmony. Such allegations frequently surface in the aftermath of marital breakdowns, where personal grievances and mutual recriminations tend to overlap with criminal accusations, thereby blurring the line between private discord and penal liability.

22. It has also been alleged against the parents-in-law of petitioner-Gurpreet Singh Dhillon, who have been unfortunately roped in, that they used to instigate petitioner-Gurpreet Singh Dhillon to harass the complainant-wife, and also that they taunted the complainant for not bringing enough dowry. However, the purportedly specific allegations are merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired.

23. There is also no scintilla of evidence produced by the complainant to corroborate the allegations levelled against the petitioners, rendering her version implausible and unreliable. Moreover, specific allegations have been levelled not only against petitioner-Gurpreet Singh Dhillon and his parents, but even against his other family members, against whom the investigating agency did not deem it fit to file charge-sheet,

making it apparent that agency concerned was convinced that the FIR was



nothing but an outburst arising from a matrimonial dispute.

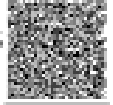
24. Trite to say that particularly in cases stemming out of matrimonial disputes, it is incumbent upon the Courts to delve into the material on record to assess the allegations levelled by the complainant to determine whether any offence is made out even if the allegations are accepted in *toto*. In the present case, such scrutiny of the allegations in the FIR and the material on record reveals that no *prima facie* case is made out against petitioner-Gurpreet Singh Dhillon or his parents.

25. This Court is mindful that matrimonial relationships occupy a sensitive social space, and allegations of harassment within such relationships warrant careful and empathetic consideration. At the same time, the criminal law cannot be permitted to operate as a mechanism for the continued prosecution of matrimonial animosities once the relationship itself has irretrievably collapsed.

26. Another point which warrants consideration is that the larger part of the alleged offence took place in Canada, therefore, as per the settled proposition of law, criminal proceedings cannot be continued in India, particularly without adhering to the provisions of law as contained under Sections 188 and 202 Cr.P.C.

27. This Court is also conscious of the fact, which has been emphasized by the learned counsel for the private respondent, that petitioner-Gurpreet Singh Dhillon has failed to appear before the investigating agency. However, such a procedural non-compliance, does not by itself alter the substantive nature of the dispute or the legal sustainability of the proceedings arising from the instant FIR. Similarly, it cannot override

the settled principles governing the Courts' jurisdiction under Section 482



Cr.P.C. When the ingredients of the alleged offences are not made out, and is apparent that continuation of criminal proceedings would amount to an abuse of the process of law, the Court is duty bound to intervene. The temporary non-appearance of the petitioner, cannot be used to breathe life into a prosecution that, on its own merits is unsustainable.

28. Therefore, taking into account the entirety of the facts and circumstances of this case, and guided by the judicial pronouncements discussed hereinabove, this Court is of the considered opinion that judicial intervention is warranted to ensure that the criminal process is not prolonged merely to preserve the residue of a failed relationship, and that the parties are afforded an opportunity to disengage from past conflict and proceed independently without the shadow of ongoing litigation.

29. Accordingly, both the petitions are allowed. FIR No.10 dated 21.5.2021, under Sections 406 and 498-A IPC, registered at Police Station NRI, District Police Commissionerate, Amritsar and all subsequent proceedings arising therefrom including the final report dated 31.8.2022 and the order dated 29.9.2023 framing charges, are quashed qua the petitioners. Resultantly, the Look Out Circular dated 19.7.2021 and the notice/summon dated 29.10.2022 issued by the learned JMIC (*in CRM-M-8020-2025*) against petitioner-Gurpreet Singh Dhillon also stand quashed.

30. Pending miscellaneous application(s), if any, also stand disposed of.

(KIRTI SINGH)
JUDGE

January 28, 2026

Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No