



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

CRM-M No.9462 of 2023
Reserved on: 06.05.2026
Pronounced on: 11.05.2026
Uploaded on: 12.05.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

Santosh Kumari

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Vishal Munjal, Advocate and
Ms. Bindu Bala, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

Mr. Rahul Dev Singh, Advocate
for respondent No.2.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of Criminal Complaint No. COMI 423/2019 titled as “*Harbans Lal Vs. Santosh Kumari and another*” instituted under Sections 499 and 500 IPC, as well as summoning order dated 22.08.2022 passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby the petitioner has been summoned to face trial for offences punishable under Sections 499 and 500 IPC, along with all consequential proceedings arising therefrom.

2. Brief facts of the case are that complainant Harbans Lal, who



is stated to be the maternal uncle of Bishan Kumar, alleged that accused No.1 Santosh Kumari, after her marriage with Bishan Kumar in the year 2009, started residing at Jalandhar and subsequently, got registered FIR No.85 dated 02.11.2012 under Sections 498-A, 323, 506 and 406 IPC at Police Station Division No.1, Pathankot against her husband Bishan Kumar and the complainant. It was alleged that the said FIR was false and frivolous and was lodged with an intention to harass and defame the complainant. Thereafter, accused No.1 entered into a compromise with her husband Bishan Kumar and FIR No.85 dated 02.11.2012 came to be quashed by this Court vide order dated 22.10.2016 passed in CRM-M-31862 of 2016 titled as "*Bishan Kumar Vs. State of Punjab and another*". It was further alleged that thereafter the complainant also filed CRM-M-4969 of 2017 for quashing of the aforesaid FIR qua him. On the basis of these allegations, the complainant alleged that the accused persons, in conspiracy with each other, had lowered his reputation in the eyes of society and caused him mental agony, harassment and embarrassment, on account of which the present complaint under Sections 499 and 500 IPC came to be filed. Thereafter, preliminary evidence led by the complainant was considered and arguments on the point of summoning were heard by learned Judicial Magistrate 1st Class, Jalandhar, who vide impugned order dated 22.08.2022 observed that the complainant had examined himself as CW-1 and Kuldeep Kumar as CW-2 in support of the allegations that accused No.1 Santosh Kumari had lodged a false FIR No.85 dated 02.11.2012 under Sections 498-A, 323, 506 and 406 IPC against the complainant and Bishan Kumar with *mala-fide* intention to lower the



reputation of the complainant in the eyes of the public and to harass him. Learned trial Court further observed that the said FIR had subsequently been quashed on the basis of compromise qua Bishan Kumar and later qua the complainant by the Hon'ble High Court and that the complainant had suffered mental agony, humiliation and damage to his reputation on account of the false allegations. On the basis of the preliminary evidence, learned JMIC held that a *prima-facie* case under Sections 499 and 500 IPC was made out against accused No.1 Santosh Kumari and accordingly, ordered her summoning, whereas the complaint against accused No.2 was dismissed for want of sufficient material.

3. Learned counsel for the petitioner has contended that the impugned complaint as well as summoning order dated 22.08.2022 are nothing but sheer abuse of the process of law and have been issued without proper appreciation of the factual as well as legal position. It has been argued that the FIR No.85 dated 02.11.2012 under Sections 498-A, 323, 506 and 406 IPC was lodged by the petitioner against her husband Bishan Kumar and respondent No.2/complainant Harbans Lal and the same cannot *ipso facto* constitute an offence of defamation merely because subsequently, the FIR came to be quashed on the basis of compromise. Learned counsel submits that firstly, the FIR was quashed qua husband Bishan Kumar vide order dated 22.10.2016 passed by this Court in CRM-M-31862-2016 on the basis of compromise and thereafter, the FIR was also quashed qua respondent No.2/complainant Harbans Lal vide order dated 02.02.2018 passed in CRM-M-4969-2017, wherein this Court had observed that the allegations appeared to have been levelled with *mala-fide* intention



and ulterior motive due to personal grudge. On the strength of the said observations, respondent No.2 instituted the present complaint under Sections 499 and 500 IPC. Learned counsel for the petitioner has further argued that learned trial Court failed to appreciate that the allegations made by the petitioner before the police authorities were protected under Exception 8 to Section 499 IPC, as the accusation had been preferred in good faith before lawful authorities regarding commission of cognizable offences. It has been contended that merely because the FIR was subsequently quashed, the same would not automatically render the petitioner liable for the offence of defamation. In support of the aforesaid contention, reliance has been placed upon the judgment rendered in *Shalini Mehta alias Shalu Vs. Dr. J.I. Mehta, 1993 (3) RCR (Criminal) 589*, wherein it was held that where allegations of cruelty and dowry demand made in an FIR were found to be frivolous and *mala-fide*, even then the wife would not be guilty of defamation if such accusations had been made in good faith and were protected under Exception 8 to Section 499 IPC. Reliance has also been placed upon the observations made therein that there is absolute privilege attached to a complaint forwarded to the police officer for initiation of proceedings relating to a cognizable offence, provided the complaint had been preferred in good faith. It has also been argued that the petitioner is residing happily with her husband and has two minor children and the present complaint, apart from a civil suit for damages already instituted by respondent No.2, has been filed only to harass the petitioner and her family members. Learned counsel submits that learned JMIC, Jalandhar, while passing the impugned summoning order,



failed to properly appreciate the scope of Exception 8 to Section 499 IPC and mechanically summoned the petitioner without recording due satisfaction regarding the essential ingredients constituting the offence of defamation.

4. Learned counsel appearing on behalf of respondent No.2/complainant has opposed the present petition and argued that the same is misconceived, premature and liable to be dismissed. It has been contended that respondent No.2 is the maternal uncle/father-in-law of the petitioner and had earlier extended support to the petitioner and her husband after their marriage. However, during matrimonial discord between the petitioner and her husband, the petitioner lodged FIR No.85 dated 02.11.2012 under Sections 498-A, 323, 406 and 506 IPC against her husband, mother-in-law and respondent No.2 by levelling false and frivolous allegations of cruelty and physical violence despite knowing fully well that respondent No.2 had committed no such act. Learned counsel submits that solely on account of the aforesaid FIR, respondent No.2 had remained confined in jail for about two weeks and news regarding his arrest spread in society causing serious damage to his reputation and standing. It has further been argued that respondent No.2 was working as a railway contractor and due to his arrest in the aforesaid FIR, he lost his business contracts and suffered immense financial loss apart from humiliation and loss of reputation in the eyes of the public. Learned counsel submits that although subsequently the FIR was quashed on the basis of compromise, such compromise does not absolve the petitioner from the consequences of having initially lodged a false and malicious



criminal case against respondent No.2. It has been contended that the compromise was only a subsequent development between the spouses and cannot erase the damage, detention, humiliation and mental agony already suffered by respondent No.2 due to the false implication. Learned counsel for respondent No.2 has further argued that while quashing FIR qua respondent No.2 in CRM-M-4969-2017, this Court had observed that the criminal proceedings appeared to have been maliciously instituted with ulterior motive and personal grudge and, therefore, the said observations rather support the case of respondent No.2 that he had been falsely implicated by the petitioner. It has also been argued that the petitioner is selectively relying upon Exception 8 to Section 499 IPC whereas the question as to whether the allegations were made in good faith or with malicious intention is essentially a matter of evidence which can only be adjudicated upon during trial after parties lead their evidence before the learned trial Court. In support of the aforesaid contention, learned counsel has relied upon the judgment of the Hon'ble Supreme Court in *M.A. Rumugam vs. Kittu @ Krishnamoorthy, (2009) 1 SCC 101*, to contend that at the stage of quashing, it would be premature for the High Court to record a finding regarding existence or absence of good faith and that once a *prima-facie* case is disclosed from the complaint and preliminary evidence, the criminal proceedings ought not to be scuttled at the threshold. It has thus been prayed that the present petition be dismissed being devoid of merit.

5. I have heard learned counsel for the parties and have gone through the paper-book as well as the impugned complaint and summoning



order with their able assistance.

6. Before advertent to the factual matrix of the present case, it would be apposite to notice that the scope of interference by this Court while exercising inherent jurisdiction under Section 482 Cr.P.C. is extremely limited. The inherent powers are to be exercised sparingly, with circumspection and only in those cases where continuation of criminal proceedings would amount to abuse of process of law or where no *prima-facie* offence is made out from the allegations contained in the complaint and the material placed on record. At the stage of summoning, the Court is only required to examine whether a *prima-facie* case is made out and meticulous appreciation of evidence or adjudication upon disputed questions of fact is impermissible.

7. In the present case, the allegations levelled by respondent No.2/complainant are that the petitioner had lodged FIR No.85 dated 02.11.2012 under Sections 498-A, 323, 406 and 506 IPC against her husband, mother-in-law and respondent No.2 by falsely implicating respondent No.2 despite knowing fully well that he had not committed any such offence. It has further been alleged that on account of the aforesaid FIR, respondent No.2 remained confined in jail for about two weeks, suffered immense humiliation and loss of reputation in society and also sustained financial loss as he lost his railway contracts due to the criminal case and consequent arrest. It has also come on record that respondent No.2 had specifically pleaded in the complaint that the FIR was lodged maliciously and with ulterior motive and that his image in society stood lowered due to the allegations levelled by the petitioner.



8. The record further reveals that after recording preliminary evidence of CW-1 Harbans Lal and CW-2 Kuldeep Kumar, learned Judicial Magistrate Ist Class, Jalandhar found sufficient grounds to summon the petitioner for commission of offences punishable under Sections 499 and 500 IPC vide order dated 22.08.2022. Learned trial Court, while passing the impugned order, observed that *prima-facie* the allegations levelled by the complainant disclosed that respondent No.2 had suffered reputational harm on account of the allegations levelled by the petitioner in the earlier FIR and accordingly summoned the petitioner to face trial.

9. The principal contention raised on behalf of the petitioner is that the allegations made by her before the police authorities are protected under Exception 8 to Section 499 IPC and that once the FIR stood quashed on the basis of compromise, no offence of defamation survives against her. Reliance in this regard has been placed upon the judgment rendered in *Shalini Mehta alias Shalu (supra)*.

10. However, this Court is unable to accept the aforesaid contention at this stage. Whether the allegations levelled by the petitioner in the FIR were made in good faith or were actuated by malice is essentially a disputed question of fact which can only be adjudicated upon after parties lead evidence before the learned trial Court. The protection available under Exception 8 to Section 499 IPC is not absolute and the question of good faith has to be determined on the basis of evidence and attending circumstances of each case.

11. The judgment relied upon by learned counsel for the petitioner in *Shalini Mehta alias Shalu (supra)* is clearly distinguishable on facts. In



the said case, the Court was dealing with a matter where the allegations made before the authorities were found to be protected under Exception 8 to Section 499 IPC in the peculiar facts and circumstances of that case. In the present matter, respondent No.2 has specifically alleged that he had been falsely implicated despite there being no role attributable to him and that due to such false implication he had suffered arrest, detention, loss of reputation and financial loss. Such allegations cannot be adjudicated conclusively in proceedings under Section 482 Cr.P.C. without parties leading evidence.

12. On the contrary, the judgment of the Hon'ble Supreme Court in *M.A. Rumugam (supra)*, fully supports the case of respondent No.2. The Hon'ble Supreme Court therein held that the question as to whether the imputations were made in good faith and whether the accused is entitled to protection under the exceptions to Section 499 IPC are matters which ordinarily require evidence and cannot be conclusively decided at the threshold while exercising jurisdiction under Section 482 Cr.P.C. The Hon'ble Supreme Court further observed that where a *prima-facie* case is disclosed from the complaint and preliminary evidence, quashing of proceedings at the initial stage would not be justified.

13. Merely because the earlier FIR came to be quashed on the basis of compromise would not *ipso facto* wipe out the allegations made by respondent No.2 in the present complaint. The compromise was admittedly arrived at subsequently between the spouses and the quashing order on the basis thereof cannot automatically absolve the petitioner from the consequences flowing from the allegations levelled earlier if respondent



No.2 is able to establish during trial that he had been maliciously and falsely implicated resulting in damage to his reputation. The effect of compromise and the bona fides of the allegations made in the FIR are again matters requiring evidence and cannot be conclusively adjudicated in the present proceedings.

14. At this stage, this Court is only required to examine whether from the complaint and preliminary evidence a *prima-facie* offence is made out. A bare reading of the complaint coupled with the statements recorded during preliminary evidence clearly reveals specific allegations regarding false implication, arrest, humiliation, reputational harm and financial loss suffered by respondent No.2 due to the FIR lodged by the petitioner. Thus, this Court is of the considered opinion that learned trial Court has rightly found sufficient grounds to summon the petitioner for offences under Sections 499 and 500 IPC.

15. No ground is made out warranting interference by this Court in exercise of inherent jurisdiction under Section 482 Cr.P.C.

16. Accordingly, the present petition being devoid of merit is hereby dismissed.

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

18. However, nothing observed herein shall be construed as an expression on the merits of the case.

11.05.2026

neetu

(MANDEEP PANNU)
JUDGE

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