

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

158

CRM-M No.14653 of 2026 (O&M)
Date of Decision :18.03.2026

Gurbachan Kaur

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

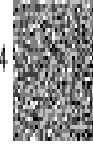
Present : Mr. Jasraj Singh, Advocate for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This order of mine shall dispose of the petition filed by the petitioner under Section 528 of Bharatiya Nagrik Surakhsa Sanhita, 2023. The above mentioned petition has been filed for quashing of Criminal Complaint No.COMI 48 of 2016 dated 05.07.2014 and other consequential proceedings emanating therefrom.

2. In nutshell the facts emerging from record are that, that at the instance of 'Dupinder Kaur' (the co-accused) a petition for divorce under Section 13 of the Hindu Marriage Act 1955. was instituted against 'Mohinder Singh' on 23.02.2006 and in the above mentioned case 'Mohinder Singh' appeared through his attorney, namely 'Kuldeep Singh' and filed reply to the divorce petition. However later on, he did not appear before the Court either in person or through his counsel, and therefore, vide order dated 21.08.2007 he was proceeded against ex parte. According to complainant on 15.09.2007 the

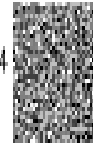


counsel for 'Dupinder Kaur' examined two witnesses, i.e. PW-1 Dupinder Kaur and PW-2 Gurbachan Kaur (petitioner herein). On the same day the counsel for the respondent-husband informed the Court that the lady who, was appearing as 'Dupinder Kaur' was an impersonator, and not the real 'Dupinder Kaur'. The above mentioned statement of learned counsel for 'Mohinder Singh' was based on the identification by 'Kuldeep Singh' and 'Swaroop Singh'. Thereafter 'Dupinder Kaur' and 'Gurbachan Kaur' sneaked away from the Court premises and in the background of above mentioned development 'Kuldeep Singh' submitted a complaint before the Court which culminated into summoning of the present petitioner.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner is an innocent lady having no nexus, whatsoever, with the commission of crime, and that without any fault on her part, she is being prosecuted in the present case. According to learned counsel for the petitioner there is no allegation against the petitioner that she identified the lady, who had impersonation as 'Dupinder Kaur' in the Court. As per learned counsel for the petitioner the only role of the petitioner in the case was that in the same case she had deposed before the Court as a witness (PW-2). While claiming that with regard to commission of alleged offence no criminality can be attached to the act and conduct of the petitioner, the learned counsel for the petitioner has contended that filing of compliant against the petitioner, who is a 68 years old lady, and her summoning as an accused, is nothing but an abuse of process of law.

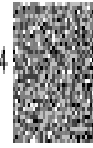
5. In addition to above, the learned counsel for the petitioner has also



contended that otherwise also there is a technical defect in the prosecution launched by the Court as the learned Court while preferring the complaint has firstly failed to record its satisfaction that it was expedient in the interest of justice to file compliant against the petitioner and her co-accused.

6. It has also been contended by learned counsel for the petitioner that in the present case the complaint has been filed against three persons i.e. petitioner, 'Dupinder Kaur' and the Advocate who had appeared as counsel for 'Dupinder Kaur'. As per learned counsel for the petitioner qua Advocate the proceedings have been stayed by this Court, and that ,Dupinder Kaur, has managed to run away from the country and has been declared a proclaimed offender. According to learned counsel for the petitioner in such circumstances the petitioner is the only accused, who is facing the agony of trial, and that in view of settled principle of law once no loss was caused to anybody by the alleged act of prime accused any offence is not made.

7. In support of his arguments, the learned counsel for the petitioner has placed reliance upon principles of law laid down in 'Iqbal Singh Marwah Vs. Meenakshi Marwah' 2005(2) RCR (Criminal) 178, 'Amarsang Nathaji Vs. Hardik Harshadbhai Patel' 2017(1) RCR (Criminal) 92, 'Rakesh Kumar Vs. State of Punjab', CRM-M-38001-2015, 'Sardul Singh Vs. State of Haryana' 1992(3) RCR (Criminal) 545, 'Rajinder Kumar Vs. State of Haryana', 2012(1) RCR (Criminal) 481, 'Balabhadra Mahanta and Mamata Dass Vs. State of Orissa', 2019(75) Orissa Cri. R. 382, 'Miteshchandra Manilal Vs. State of Gujarat' 1998 CriLJ 3077 and 'Rajinder Kumar Chhibbar Vs. Aseem Bakshi' 2006(3) RCR (Criminal) 586.

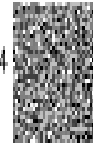


8. The record has been perused carefully.

9. In the present case, at the very outset, it is pertinent to mention here that the gravity of offence committed by the petitioner can be gauged from the fact, a matrimonial dispute between 'Dupinder Kaur' and her husband was in progress before the Court, and if in the name of 'Daupinder Kaur' any other lady would have been successful in getting the marriage of 'Mohinder Singh' dissolved, it could have been disastrous for matrimonial relationship of Mohinder Singh and Dupinder Kaur. Here this fact is also relevant that the Court proceedings are very pious & sacrosanct, and if anybody is allowed to misuse the same by indulging in the activities like impersonation, such person does not deserve a lenient view or discretionary relief.

10. In the present case there is no denial of the fact that on the day when a lady impersonated herself as 'Dupinder Kaur' and got her statement recorded, as PW1, the petitioner had appeared in the same case as PW-2 and deposed in favour of 'Dupinder Kaur'. Thus by any stretch of imagination it cannot be assumed that the petitioner was not aware of this fact that lady in whose favour she was making a statement on oath was not actual 'Dupinder Kaur'. In view of above fact-situation the plea of innocence raised by the petitioner *prima faice* fails to convince the prudent mind.

11. As far as the technical defect in the procedure adopted by the learned trial Court is concerned, in view of the fact that the complaint has been filed by the learned trial Court in itself is signature of the fact that the learned trial Court found it expedient for the interest of justice to file a complaint. Thus it is hereby held that the objections raised by learned counsel for the petitioner



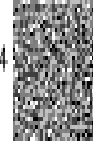
with regard to technical defect does not hold good.

12. Taking into consideration the cumulative effect of above discussed factors in my considered opinion the factual matrix of the present case are quite peculiar and altogether different from the cases which have been referred by the learned counsel for the petitioner and therefore, it is hereby observed that the petitioner is not entitled to draw any benefit of above mentioned principles.

13 As far as the guiding principles meant for quashing of complaint/FIR are concerned the relevant law has been laid down by the Hon'ble Supreme Court of India in the case of 'State of Haryana Vs. Bhajan Lal', 1992 Suppl. (1) SCC 335, R.P.Kapoor Vs. State of Punjab AIR 1960 Supreme Court 866 and Gian Singh VS. State of Punjab (2012) 10 Supreme Court Cases 303.

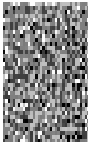
14. In the case of '*Bhajan Lal (supra)*', the Hon'ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR can be quashed in the following circumstances only:-

- a) 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.
- b) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. 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.

- c) 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.
- d) Where, the allegations in the F.I.R. 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.
- e) Where the allegations made in the F.I.R. 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.
- f) 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.



g) 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.

15. If the fact situation of present case and mitigating circumstances are analysed in view of above-mentioned guiding principles, it transpires that no ground for the exercise of extra-ordinary jurisdiction is made out. Hence it is hereby observed that the present petition is devoid of merits and deserves dismissal. The same is hereby **dismissed**, accordingly.

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

(SURYA PARTAP SINGH)
JUDGE

18.03.2026
Manoj Bhutani

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