

2026.PHHC.039209



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

**CRM M-29819 of 2018**

Date of Decision: 12.03.2026

Jaswinder Kaur

...Petitioner(s)

Vs.

State of Punjab and another

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Vaibhav Narang, Advocate  
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

Mr. Chetan Bansal, Advocate  
for respondent No. 2.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present petition under Section 482 Cr.P.C., with a prayer to quash the criminal complaint No. 653/04.08.2009 RBT 362/2017 filed under Sections 302, 306, 420, 467, 468, 471 and 120 B IPC titled as "*Pushpender Kaur versus Jaswinder Singh and others*", (Annexure P-1) and the summoning order dated 06.04.2018 (Annexure P-5) passed by the Court of Judicial Magistrate First Class, Amritsar, whereby the petitioner has been summoned to face trial under Sections 306 IPC.

2. Learned counsel for the petitioner submits that the criminal complaint (Annexure P-1) was instituted on 04.08.2009 by respondent No. 2/complainant against the petitioner and other accused, alleging that her son Surpreet Singh was married to Sumit Kaur, daughter of the petitioner, in the year 2002. Sumit Kaur used to fight with everyone in

her matrimonial home on one pretext or the other. On 20.02.2003, her daughter, namely Asleen Kaur, was born out of the said marriage. However, even thereafter, the behavior of Sumit Kaur further deteriorated and at the instigation of the petitioner and other accused, they had an evil eye on the property of respondent No. 2. Sumit Kaur used to treat her husband with cruelty and the petitioner and other accused used to support her. Due to the crisis committed by his wife, her son used to say that he would end his life one day. In January 2006, the petitioner and other accused came to the house of respondent No. 2 and took Sumit Kaur along with them, leaving Asleen Kaur with her father. Due to this, Surpreet Singh, son of respondent No. 2, was depressed. He tried to bring back Sumit Kaur, but the accused did not allow him to meet his wife. On 02.11.2006, respondent No. 2 allegedly received a telephonic call that her son Surpreet Singh had died as something was struck in his wind pipe. It was also alleged that respondent No. 2 searched the Almirah of her son and she came to know that from the cards found in the Almirah, her son had committed suicide at the residence of Sumit Kaur and was instigated by the petitioner and other accused. Further, Sumit Kaur, with the help of the petitioner, withdrew an amount of Rs.57,150/- as insurance benefit by forging and fabricating the documents of LIC policy. Certain other allegations were also levelled and the complaint was instituted after a period of about two years and eight months of the alleged occurrence.

3. Learned counsel for the petitioner further submits that vide order dated 06.12.2010 (Annexure P-2), the Judicial Magistrate First

Class, Amritsar, dismissed the complaint filed by respondent No. 2, making the following observations:-

*“There is pending litigation between the parties. Hence the relationship between accused and the complainant are not friendly there is a rancor that rankles. Hence there exists the motivation with the complainant to implicate the accused so as to extort concession from the accused in the pending litigation. In these circumstances the evidence of the complainant is to be strictly construed. Since there is animus with the complainant and accused the evidence and to be taken with the pinch of salt to have. The complainant Pushpinder Kaur has stated that she became suspicious that the accused have committed murder when she met the accused in court house in connection with pending case with accused concerning legal guardianship. There complainant demanded Rs. 10 Lacs from her or otherwise they would kill granddaughter. On this complainant asked from the accused as to how they can commit such heinous act. On this accused said that they if they can kill their own daughter then why not granddaughter. On the file there is no post mortem report of both deceased on record. The deceased daughter of the complainant had left her matrimonial house because of dispute and living with accused. Now, the complainant claims that their son committed suicide. But it is baffling how can one commit suicide by forcing the food in his own wind pipe. The evidence led by the complainant is hypothetical form and hearsay in nature, it started with word “I” as proclaimed by accused, therefore this is surmises and conjecture and in the absence of post mortem report, it cannot be said that the offense u/s 302 IPC as well as section 306 IPC was committed.*

*The complainant has just placed on file love letters written*

*by their deceased sons to his deceased wife. As far as forgery to concerned, the complainant has just placed attested copies from LIC department, which were signed by the deceased Sumit Kaur who was wife of Supreet Singh. Therefore, no ground is made to summon the accused under section 420, 467, 41, 120-B. Therefore, in view of the aforesaid discussion, no ground is made to summon the accused. Therefore, the complaint stands declined”.*

4. Learned counsel further submits that against the order (Annexure P-2) passed by the JMIC, Amritsar, respondent No. 2, filed a revision before the Court of Sessions Judge, Amritsar. Vide judgment dated 04.09.2014, the Additional Sessions Judge, Amritsar, remanded the case to the JMIC, Amritsar, to pass a fresh order after considering all the facts and circumstances of the case. Again, the matter was heard by the Judicial Magistrate First Class, Amritsar and the complaint was dismissed again on 30.11.2015, vide order (Annexure P-3). Respondent No. 2 again filed a revision petition assailing the order dated 30.11.2015, (Annexure P-3), and again vide judgment dated 24.08.2017 (Annexure P-4), the Additional Sessions Judge remanded the case to the Judicial Magistrate First Class, Amritsar and also directed to consider the additional evidence, if any, produced by respondent No. 2. At this stage, after several years, respondent No.2 filed a fresh evidence in the shape of one diary of her son and stated that her son had died due to the mental cruelty committed by the petitioner to the son of respondent No. 2. On the basis of this, vide the impugned order, the Judicial Magistrate First Class summoned a petitioner to face trial under section 306 IPC.

5            Learned counsel for the petitioner further contends that in fact the marriage of the daughter of the petitioner namely Sumit Kaur was performed with Surpreet Singh son of respondent No. 2 in the year 2002 and a daughter Asleen Kaur was born out of the said wedlock. Surpreet Singh started consuming drug and remained ill and was under treatment of Bhatia Neuropsychiatric Hospital at Amritsar. Unfortunately on 02.11.2006, Surpreet Singh died due to consumption of drug and Sumit Kaur along with her child came to her parental house. However, the respondent No.2 and her other family members wanted to deprive Sumit Kaur and her daughter of the properties and the complaint (Annexure P-1) was filed with an oblique motive. Apart from that, respondent No. 2 had initiated litigation to take the custody of Asleen Kaur. This Court had appointed the petitioner as the guardian of Asleen Kaur and due to the said litigation, the complaint (Annexure P-1) was filed by the respondent No.2.

6.            Learned counsel for the petitioner further contends that even there was no evidence in the present case to show that the petitioner had abetted the suicide of Surpreet Singh in any manner. In fact, after almost nine years of filing of complaint (Annexure P-1), the respondent No. 2 produced a diary containing a writing that the petitioner had allegedly misbehaved with Surpreet Singh and on the strength of such a fabricated document, the petitioner was summoned under section 306 IPC. Apart from that, there was no medical evidence/PMR to show the cause of death of Surpreet Singh and there was no evidence to suggest that Surpreet Singh had committed suicide.

Thus, the trial Court had erroneously summoned the petitioner to face trial.

7. On the other hand, learned counsel for respondent No. 2 has vehemently argued that Surpreet Singh had committed suicide due to torture by the present petitioner and her daughter. The only intention of the petitioner and other accused was to grab the property of Surpreet Singh and Surpreet Singh had died at the house of the petitioner. Further, the petitioner and other accused deliberately did not get the postmortem examination of the dead body of Surpreet Singh conducted and due to this, the evidence was distorted. Apart from that, there was no expert evidence to show that Ex. CA contained the handwriting/diary pages of Surpreet Singh and even the said documents were also not filed in accordance with law. Apart from that, the Judicial Magistrate First Class, Amritsar had summoned the petitioner on the strength of the evidence on the file and the petition deserves to be dismissed by this Court.

8. I have heard learned counsel for the parties and persued the record in the present case very carefully.

9. In the present case, it is an admitted fact that Surpreet Singh, son of the complainant, was married to Sumit Kaur, daughter of the petitioner, in the year 2002. Further, it has been alleged that on 02.11.2006, Surpreet Singh had died and it was conveyed to respondent No. 2 that some food was stuck in the windpipe of Surpreet Singh. However, no postmortem on the dead body of Surpreet Singh was conducted. In the absence of the postmortem report, it is difficult to conclude as to whether Surpreet Singh had committed suicide or had

died a natural death. Even there is no other medical record to show the cause of death of Surpreet Singh. Still further, the complainant also could not produce any evidence to show that Surpreet Singh, son of respondent No. 2, had committed suicide at the house of petitioner or Sumit Kaur, and he had committed suicide on the provocation by the petitioner or any other accused. Apart from that, it has been alleged that an amount of Rs.5,71,150/- was withdrawn by Sumit Kaur from the insurance policy, but again, there was no material on record to support the allegations that by forging and fabricating documents of LIC policy, the amount was withdrawn illegally by the accused. Still further, it is also an admitted fact that the only evidence relied upon by the Court of Judicial Magistrate First Class, Amritsar, for summoning the petitioner, is a document (Exhibit CA), which are certain diary pages written by Surpreet Singh, son of respondent No. 2. However, the said diary was not part of the preliminary evidence and was produced before the Court of Judicial Magistrate First Class, Amritsar, after the second remand, i.e., after about nine years of the filing of the complaint. Moreover, even the alleged occurrence had taken place on 02.11.2006, whereas the complaint was instituted by respondent No. 2 on 04.08.2009. The delay in filing the complaint by respondent No. 2, as well as the delay of further nine years in producing Ex. CA, clearly shows that the trial Court had clearly overlooked this aspect of the matter. Apart from that, there was no expert evidence to show that Ex. CA contained the handwriting/diary pages of Surpreet Singh, and even the said documents were also not filed in accordance with law.

10. In view of above discussion, the present petition is allowed and criminal complaint No. 653/04.08.2009 RBT 362/2017 filed under Sections 302, 306, 420, 467, 468, 471 and 120 B IPC titled as ***“Pushpender Kaur versus Jaswinder Singh and others”***, (Annexure P-1) is ordered to be quashed, qua the petitioner only.

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|---------------------------|-----------------|
| 12.03.2026                | (N.S.SHEKHAWAT) |
| amit rana                 | JUDGE           |
| Whether reasoned/speaking | : Yes/No        |
| Whether reportable        | : Yes/No        |