



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

**CWP No.9288-2019(O&M)
Date of Decision: 24.03.2026**

Ram Singh and another

....Petitioners

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr.S.S.Grewal, Advocate
for the petitioners**

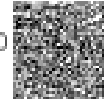
Mr. Aman Dhir, DAG, Punjab

**Mr. Sumeet Puri, Advocate (through VC)
for respondent No. 5**

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking setting aside of order dated 12.03.2019 whereby respondent No.2 has ordered to register FIR. They are further seeking direction to respondents not to take any coercive step against them.

2. The petitioners are in-laws of respondent No. 5 who is wife of one Kesar Singh who in turn is son of petitioner No. 1 and brother of petitioner No. 2. Kesar Singh in 2007 went abroad and attained status of Non Resident Indian ('NRI'). Respondent no. 5 filed complaint dated 12.12.2017 against the petitioners and her husband for harassment and maintenance. The



matter was compromised on 28.02.2018 with the agreement to pay monthly maintenance of Rs. 4,000/-. The respondent No. 5 thereafter filed petition under section 125 of CrPC before the learned Magistrate, Nabha pursuant to which her husband stopped the maintenance. Respondent No. 5 filed complaint against petitioners and her husband which was consigned to record by Assistant Inspector General of Police, NRI Wing, Patiala. Respondent No. 5-complainant approached the Punjab State Commission for NRIs (for short "Commission")-respondent No. 2 which vide order dated 12.03.2019 asked police to take action against the petitioners and Kesar Singh in the light of report dated 22.01.2019 of DSP(HQ) Wing, SAS Nagar.

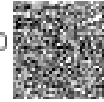
3. Learned counsel for the petitioners submits that FIR against husband of the complainant stands registered. In view of interim orders of this Court, the police did not register FIR against father-in-law and brother-in-law of the complainant. The complainant is staying with the petitioners.

4. Learned counsel for respondent No. 5-complainant does not dispute afore-stated factual position, however, submits that complainant still has grievance against the petitioners.

5. Learned State counsel submits that as per settled law, the recommendations of the Commission are not binding on police authorities and they would proceed in accordance with law.

6. On 07.05.2019, while issuing notice of motion, operation of recommendations was stayed. Order dated 07.05.2019 reads as:-

“ Challenge in the instant writ petition is to the order dated 12.03.2019 (Annexure P-1) passed by the Punjab State Commission for NRIs and whereby in pursuance to a complaint made by Kulwinder Kaur/respondent No.5



herein, recommendations have been made for registration of a case against the petitioners under Section 498-A IPC.

Petitioners herein are the father-in-law and brother-in-law of respondent No.5.

Counsel would contend that respondent No.5 is not even an NRI and as such the complaint could not have been entertained by the respondent/Commission. That apart, it is argued that the Punjab State Commission for NRIs cannot arrogate to itself such powers so as to interfere in criminal proceedings or investigation which is under way.

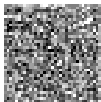
Notice of motion, returnable for 08.08.2019.

On the asking of the Court, Ms. Sunint Kaur, learned AAG, Punjab accepts notice on behalf of respondents No.1 to 4 and waives service.

A complete copy of the writ paper book already stands furnished to learned State counsel.

In the meanwhile it is directed that respondents No.3 and 4 shall not act upon the recommendations contained in the impugned order dated 12.03.2019 (Annexure P-1).”

7. From the perusal of record and arguments of contesting parties, it is evident that FIR against complainant's husband stands registered. In view of interim orders of this Court, no FIR was registered against father-in-law and brother-in-law of the complainant. It is settled law that Commission can make recommendations, however, has no authority to direct police authorities to register FIR. The police authorities are supposed to independently examine the material and proceed in accordance with law.



The State is also claiming that criminal law would be put into motion in accordance with law

8. The Court is sanguine that police authorities would proceed in accordance with law.
9. Disposed of.
10. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.03.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	