



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

187

CRM-M-23283-2025 (O&M)
Date of Decision : 11.03.2026

AMARPAL KAUR AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Sahil Soi, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Through the present petition, petitioners, who are co-accused in case bearing FIR No.70 dated 29.04.2023 u/s 406, 420, 120-B IPC at Police Station Sadar District Jalandhar, have invoked the inherent powers of this Court u/s 528 BNSS, seeking quashing of order dated 11.04.2025 passed by the learned Sessions Judge, Jalandhar, vide which criminal revision petition No.252 of 2024, filed by them against the order dated 12.09.2024 passed by learned JMIC chargesheeting them u/s 120-B, 406, 420 of IPC, was upheld.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-

Gurinderpreet Singh (complainant), s/o Jaspal Singh, r/o Villae Partappura, PS Sadar Jalandhar, set the criminal law in motion by filing a complaint alleging therein that his maternal aunt (Massi) suggested matrimonial alliance for him. She made them believe that the girl and her parents are God fearing people, as also that the girl wants to settle abroad. But due to paucity of funds, the family has not been able to send the young girl to foreign land. He and his parents were also made to believe that in case they sponsor the girl, namely, Jaswinder Kaur for her further studies abroad, she would marry the boy and take him (C) along with her as her husband and both of them would reside happily abroad. Relying totally on the words of his aunt, his family agreed for the marriage proposal and visited the house of Jaswinder Kaur, where they met her family members i.e. present petitioners, namely, Amarpal Kaur, Mandeep Kaur and Maninder Singh, who are the mother and siblings, respectively of Jaswinder Kaur. During the course of conversation, he (C) felt that Jaswinder Kaur is very caring, honest and was looking for a soulmate. She also assured that once she is sent abroad, they would reside happily. He and his family members were taken in, in these sweet talks and gave their consent for marriage. Complainant alleges that even prior to marriage, he made arrangements for providing coaching to Jaswinder Kaur at a well-known institute in Garshankar and incurred the entire expenses but she could not secure good marks. Nonetheless, he did not resile from his promise and encouraged her that she should take another chance. The two of them got married in a simple ceremony held on 24.12.2017 at Village Darapur, District Hoshiarpur. However, his mother gifted gold jewelry to Jaswinder Kaur, which is lying in the custody of her family members i.e. the present petitioners. After

marriage, Jaswinder Kaur again joined a coaching institute, the fees of which was paid by him(C). This time, she was successful and secured good percentage. Thereafter, both he and his wife i.e. Jaswinder Kaur visited well known Immigration Centre at Jalandhar, with a request to make arrangements for her 'Study Visa' and his 'Spouse Visa' for Australia. In the second week of February 2019, he and his wife i.e. Jaswinder Kaur left for Australia on spouse visa and study visa, respectively. The entire expenses of about 20 lakhs were incurred by him and his family members.

Complainant alleges that after Jaswinder reached Australia, she started showing her true colours and started frequently demanding money from his mother. With a view to save their matrimonial life, his mother was sending money to Jaswinder Kaur on routine basis. Complainant alleges that till 14.09.2021, his mother had sent approximately Rs.35,42,000/- from India. Thereafter, Jaswinder Kuar filed a frivolous complaint against him (C),as a consequence of which, his visa was not extended and thus, he had to return back to India. With a view to amicably resolve the matrimonial dispute, a meeting was convened which was attended to by his parents and the other relatives of Jaswinder Kaur. Request was made to them (present petitioners) and other relatives of Jaswinder Kaur to counsel Jaswinder Kaur but no heed was paid. Rather threats were issued to him and his family members. For the first time, they made their intentions clear by openly announcing that the family had used him as a ladder for sending Jaswinder Kaur abroad. Complainant thus alleges that Jaswinder Kaur and her family members in collusion with each other committed a fraud on him and cheated him, as also his family members of their

hard-earned money. Request was made to initiate appropriate proceedings against Jaswinder Kaur and her family members.

On the basis of said complaint, a formal case vide FIR No.70 dated 29.04.2023 u/s 406, 420, 120-B IPC, was registered against Jaswinder Kaur and present petitioners, namely, Amarpal Kaur, Mandeep Kaur and Maninder Singh (mother and siblings respectively of Jaswinder Kaur).

Documents on record reveal that police authorities were not able to nab Jaswinder Kuar. Present petitioners were arrested, who were subsequently released on bail. Learned Magistrate ensued of the matter, chargesheeted the present petitioners u/s 120-B IPC, 420 IPC, Section 406 IPC read with 120-B IPC.

3. As noted above, the aforesaid order of the learned Magistrate was assailed by the present petitioners by way of revision petition bearing CRR No.252 of 2024 before the learned Sessions Judge, Jalandhar. The same came to be dismissed in terms of order dated 11.04.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioners contends that petitioners, who are mother and younger siblings respectively of wife of respondent No.2-complainant, have been falsely implicated only on the allegations that they were in collusion with Jaswinder Kaur. Complainant had alleged that his family members had incurred huge expenses for sending Jaswinder Kaur abroad. Her parents had assured that if Jaswinder Kaur clears her ILETS exams, she would take him(C) with her to Australia. Complainant also alleged that Jaswinder Kaur did not adhere to her promise and in fact started finding faults in him. It was on the basis of a complaint lodged by her that he had to return back to India.

Learned counsel contends that a bare perusal of the contents of the FIR reveal that at no point in time any amount was transferred to petitioners, there being no specific allegation that petitioners had induced complainant to part with his hard-earned money. In fact, he(C) himself was desirous of going abroad when through one of his relatives, it was brought to his notice that a simple, God fearing young girl belonging to a decent family wants to settle abroad but is unable to do so on account of financial constraints. His family members agreed to incur the entire expenditure on the condition that the girl would initially go on study visa and would take him (C) abroad. Not a word has been mentioned that the present petitioners ever forced or induced complainant and his family members to part with their money or ever encouraged their daughter i.e. Jaswinder Kaur to misbehave with complainant while the two of them were in Australia or Jaswinder Kaur transferred any money in their account.

Learned counsel next contends that in fact complainant started misbehaving with Jaswinder, who tried her level best to adjust to his *whims and fancies*, but when she was fed up, she moved a complaint to the concerned authorities, who enquired into allegations and finding substance therein, directed him (C) to leave the country.

From the contents of the FIR, petitioners cannot be imputed with any dishonest intention to cheat complainant, neither there is anything on record to suggest that they were in conspiracy with her. The FIR contains only vague and omnibus allegations without any specific role being attributed to petitioners, who are the mother and younger siblings of Jaswinder Kaur.

Towards the end, learned counsel contends that the dispute, as can be inferred from a bare perusal of the FIR, arises out of matrimonial discord between complainant and his wife. Present criminal proceedings against the mother and younger siblings of the wife, if allowed to continue, would amount to sheer abuse of process of law.

5. On notice, respondents appeared. Short reply dated 08.07.2025 by way of affidavit of Mr. Babandeep Singh, Assistant Commissioner of Police, Sub Div. V, Cantonment Jalandhar was filed, wherein the factual aspects leading to the lodging of the FIR were elaborated upon. As per respondent No.1, only after the allegations levelled by the complainant were enquired into, the aforesaid criminal case came to be registered against petitioners and Jaswinder Kaur. On culmination of investigation, challan was filed against the petitioners, who were rightly charge-sheeted by the learned trial Magistrate u/s 120-B, 406, 420 read with 120-B IPC.

6. In the reply dated 04.08.2025 filed by respondent No.2, petition was opposed on the ground that contents of the FIR when perused carefully, coupled with the other incriminating documents collected by the Investigating Officer during the course of investigation, clearly make out a *prima facie* case against the petitioners, who are mother and younger siblings respectively of the co-accused Jaswinder Kaur (yet to be arrested). Initially, when the marriage talks were going on, petitioner No.1, who is the mother of Jaswinder Kaur encouraged complainant and his family members to spend money for sending her daughter abroad on study visa and also assured that if the girl succeeds, she would take complainant abroad. It was on her repeated insistence that complainant's family went ahead with this proposal and spent huge money. As long as Jaswinder Kaur

was pursuing her studies, she kept quiet but immediately after, she acquired Permanent Residency in Australia, she changed colours, lodged a frivolous complaint with the Australian authorities against him (C) levelling baseless allegations. On that count only, complainant was forced to return back to India. He did not return to native land out of his own free will. Further, as per complainant, the present petitioners actively participated and conspired to dupe him of Rs.55 lakhs. Later when their purpose was served and Jaswinder Kaur became a Permanent Resident of Australia, she ditched him. Complainant alleges that even when present petitioners were called during the course of investigation, they themselves admitted that the entire amount was spent by him i.e. complainant and his family members. Thus, according to him a calculated fraud has been played on him and his family members by petitioners, who conspired with Jaswinder Kaur. After analyzing the entire documents on record, learned Sessions Judge rightly dismissed the revision petition filed by them. The present petition also being devoid of merit deserves dismissal.

7. I have heard learned counsel for the parties and have carefully gone through the material available on record.

It is apparent that complaint stems from a matrimonial discord between complainant and his wife. Complainant alleged having spent money for the purpose of sending his wife abroad. Though he alleges that petitioners were actively involved in the entire incident and played a constructive role in playing fraud on him, as also cheated him and his family members of their hard-earned money, but there is no corroborative/incriminating material to support his this stand. There is not even a whisper in the FIR that any amount was entrusted to or paid to the present petitioners. It is further apparent from the documents on

record that the relatives of the complainant did not hear any adverse news about the conduct and behaviour of Jaswinder Kaur, for almost 05 years from 2017 to 2022. Later, due to temperamental differences, Jaswinder Kaur could not stay with complainant and filed a complaint, which after it was enquired into by Australian authorities, he (C) was asked to leave the country.

There is nothing on record to suggest that petitioners, who had been and are still residing in India, encouraged, incited or instigated Jaswinder Kaur to part ways from her husband (complainant). They have been arrayed as accused only on the basis of general allegations that they were in collusion with Jaswinder Kaur. Such bald allegations in the absence of any material particular are insufficient to constitute the offence of cheating or criminal conspiracy. At this stage, it would be appropriate to refer to a landmark judgment of Hon'ble Supreme Court, wherein, in case titled as ***"Kahkashan Kausar @ Sonam & Ors. Vs. State of Bihar & Ors."*** (2022(6) SCC 599), it was held that relatives of spouse should not be subjected to criminal prosecution on the basis of vague and omnibus allegations.

In the case in hand, even at the cost of repetition, it needs to be pointed out that no specific allegations have been levelled against present petitioners that they at any point in time, had received money from complainant or it was at their instance that complainant and his family members agreed to part with their money and agreed to incur the expenses for providing ILETS coaching to Jaswinder Kaur.

When viewed in light of the discussion made hereinabove, continuation of criminal proceedings against petitioners would amount to sheer misuse of the criminal justice delivery system. Accordingly, the instant petition

stands allowed, consequent thereto, order dated 11.04.2025 passed by the learned Sessions Judge, Jalandhar and order dated 12.09.2024 passed by learned Additional Chief Judicial Magistrate, Jalandhar, are hereby quashed qua the present petitioners. However, trial shall proceed against Jaswinder Kaur.

11.03.2026

Nisha Yadav

(AARADHNA SAWHNEY)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No