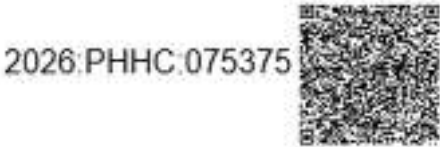


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRM-M-27606-2025 (O&M)

Kartar Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	27.04.2026
2	The date when the judgment is pronounced	14.05.2026
3	The date when the judgment is uploaded on the website	14.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jasdeep Singh Walia, Advocate
for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

Mr. Ribhav Singh, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J.

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking quashing of FIR No.29 dated 01.03.2025, registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) at Police Station Sadar Samana, District Patiala along with all the consequential proceedings arising

therefrom.

2. Brief facts of the case, as emanating from the record, are that the marriage of Sandeep Singh, son of respondent No.2/complainant Jarnail Singh, was solemnized with Rajwinder Kaur, daughter of the present petitioner, on 21.11.2021 according to Sikh rites and ceremonies. It was alleged by the complainant that prior to the marriage, Rajwinder Kaur had already cleared IELTS examination and both the families had mutually agreed to send the couple to England after marriage. According to the complainant, substantial expenses were incurred by him and his wife towards rectification of visa documents, obtaining study visa for Rajwinder Kaur and spouse visa for Sandeep Singh, besides arranging their travel and settlement in England. In the entire process, an amount of approximately Rs.45 lakhs was spent by the complainant after raising loans and borrowing money from relatives and friends. As per the allegations levelled in the complaint, after both Rajwinder Kaur and Sandeep Singh shifted to England on 28.06.2022, they initially started residing together as husband and wife. However, after some time, the behaviour of Rajwinder Kaur allegedly became hostile towards Sandeep Singh and his family members. She used to mentally harass Sandeep Singh and started transferring money from his account into her own account as well as into the accounts of her sister Preet Kaur and brother Gursewak Singh. The complainant further alleged that despite repeated interventions by family members, Rajwinder Kaur did not improve her conduct and ultimately left the matrimonial house in England after taking away valuables and belongings from the house.

3. As per the further allegations, the complainant thereafter moved

a complaint dated 06.11.2024 before the SSP, Patiala against Rajwinder Kaur and her family members. The said complaint was marked for enquiry and statements of both the parties, including that of Rajwinder Kaur from England, were recorded by the police authorities. During the enquiry, reports dated 04.12.2024 and 07.01.2025 were submitted by the concerned police officials and thereafter DSP, Samana submitted enquiry report dated 14.01.2025 to SSP, Patiala. In the enquiry report, it was observed that the marriage between Sandeep Singh and Rajwinder Kaur had been solemnized with the consent of both the families and both of them had gone to England together and resided there as husband and wife. It was further noticed that matrimonial disputes had arisen between the parties while residing in England and that husband and wife had deposited money in each other's accounts. The enquiry report further opined that the incident in question had occurred in England and if the complainant had any grievance, he could avail his remedies before the competent Court. Thereafter, another complaint on similar allegations was allegedly moved by respondent No.2 before the DIG, Patiala on 03.01.2025, which was again marked for enquiry and ultimately resulted in registration of the impugned FIR against Rajwinder Kaur and the present petitioner Kartar Singh. In the FIR, allegations were levelled that the accused persons had dishonestly induced the complainant and his family to incur huge expenditure on the marriage and on sending the couple abroad and thereafter cheated them by transferring money and deserting Sandeep Singh. After registration of the FIR, investigation proceedings were initiated. The petitioner was granted concession of anticipatory bail by the Court of learned Additional Sessions Judge, Patiala,

vide order dated 07.04.2025 and he was joined into investigation. Since accused Rajwinder Kaur was residing abroad, lookout circular was sought to be issued against her.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case and the allegations levelled in the FIR do not satisfy the ingredients of the offence alleged against him. It is argued that admittedly the marriage between Rajwinder Kaur and Sandeep Singh was solemnized with the consent of both the families and thereafter both of them resided together in England as husband and wife under one roof. Learned counsel submits that the complainant himself had borne the expenses for sending his son and daughter-in-law to England and, therefore, no offence of cheating or fraud is made out against the petitioner. It is further argued that prior to registration of the present FIR, the complainant had already moved a complaint dated 06.11.2024 before the SSP, Patiala on the same allegations, which was duly enquired into by the police authorities. During the enquiry, statements of the parties were recorded and enquiry reports dated 04.12.2024, 07.01.2025 and 14.01.2025 were submitted, wherein it was found that the dispute between the parties had arisen in England and no police action was required to be taken on the complaint. It is contended that despite the earlier enquiry having culminated against the complainant, another complaint on the same set of allegations was moved before the DIG, Patiala, on the basis of which, the present FIR came to be registered, which amounts to misuse of the process of law.

5. It is further argued by learned counsel for the petitioner that multiple enquiries on the same allegations are impermissible in view of the

notification/instructions issued by the Director General of Police, Punjab and, therefore, the registration of the present FIR on the basis of a second complaint is wholly illegal. The petitioner had himself moved a complaint dated 13.11.2024 before the SSP, Patiala against Sandeep Singh, Jarnail Singh and other family members alleging demand of dowry, physical assault and harassment caused to Rajwinder Kaur in England, but no action was taken thereupon. The entire occurrence, including the alleged money transactions and matrimonial discord, had taken place in England and, therefore, without obtaining prior sanction from the competent authority, registration of the FIR in India is not maintainable. It is argued that Rajwinder Kaur had been subjected to physical assault and cruelty at the hands of Sandeep Singh in England and was even medically examined after returning to India. Learned counsel submits that Rajwinder Kaur had also filed divorce proceedings against Sandeep Singh in the United Kingdom on 05.12.2024. While submitting that the prosecution of the petitioner under the impugned FIR would be nothing but misuse of process of law, it is argued that the impugned FIR and the subsequent proceedings arising therefrom are liable to be quashed qua the petitioner.

6. Reply has been filed by the respondent-State, which has been adopted by respondent No. 2/complainant as well. Learned State counsel, assisted by learned counsel for respondent No.2/complainant, has opposed the present petition and argued that the impugned FIR was registered on the basis of application dated 03.01.2025 moved by respondent No.2, wherein specific allegations were levelled against the present petitioner and his daughter Rajwinder Kaur. It has been argued that after solemnization of

marriage between Sandeep Singh and Rajwinder Kaur on 21.11.2021, the complainant incurred huge expenses for sending both of them to England, including visa charges, university fee, embassy expenses and air tickets and, in all, approximately Rs.45 lakhs were spent by arranging money from relatives and friends. It is further argued that after reaching England, accused Rajwinder Kaur started harassing Sandeep Singh and ultimately left the matrimonial house after taking away articles and valuables. It has been contended that despite a compromise dated 04.08.2024 having been effected between the parties, the terms thereof were not honoured by the petitioner side. It is further argued that after conducting a detailed enquiry, the police found a prima facie offence under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 to be made out against the petitioner and his daughter and accordingly the present FIR was registered with the approval of the competent authority. During investigation, the complainant produced documentary evidence including bank statements and other material, which prima facie establish the involvement of the petitioner and his daughter in the alleged offence. The veracity of the allegations as levelled against the petitioner and co-accused can be tested in the trial which has to take place before learned trial Court and no ground for quashing the FIR has been made out. It is, thus, urged that the petition is liable to be dismissed.

7. This Court has heard the rival submissions.

8. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 528 of BNSS (*which is pari materia with Section 482 of Cr.P.C.*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts.

The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific. To secure the ends of justice, to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as ***State of Haryana Vs. Bhajan Lal : 1992 SUPP (1) SCC 335***, wherein Hon'ble Supreme Court had discussed different categories of cases wherein the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while observing that it might not be possible to lay down any precise, clearly defined, sufficiently channelized, inflexible guidelines or rigid formulae and to give an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“102 (1) 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;

(2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR 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;

(3) 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;

(4) Where the allegations in the FIR 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;

(5) Where the allegations made in the FIR 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;

(6) 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;

(7) 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.”

9. The principles of law as laid down by Hon’ble Supreme Court in ***Bhajan Lal***’s case (supra) have been followed in a catena of judgments. In ***Paramjeet Batra vs. State of Uttarakhand, (2013) 11 SCC 673***, it was observed by Hon’ble Supreme Court that although the inherent powers of a

High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Randheer Singh vs. State of Uttar Pradesh, (2021) 14 SCC 626***, it was observed by Hon'ble Supreme Court that criminal proceedings cannot be taken recourse to as a weapon of harassment.

10. Reference can further be made to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, wherein Hon'ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, in exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plentitude with no statutory limitation but it has to be exercised in accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. Reference can further be made to ***Narinder Singh and Ors. Vs. State of Punjab : (2014) 6 SCC 466***, wherein it was by Hon'ble Supreme Court that while exercising power under Section 482 of Cr.P.C., the High Court has to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal case would put him into great oppression and prejudice and injustice would be caused to him by not quashing criminal case.

11. In ***Dhruvaram Murlidhar Sonar vs. State of Maharashtra : 2019 (18) SCC 191***, Hon'ble Supreme Court, while reiterating the parameters as laid down in ***Bhajan Lal***'s case (supra), had observed that for

quashing of the proceedings, meticulous analysis of factum of taking cognizance of an offence by the Magistrate was not called for. Appreciation of evidence was also not permissible in exercise of inherent powers. If the allegations set out in the complaint did not constitute the offence of which cognizance has been taken, it is open to the High Court to quash the same in exercise of its inherent powers.

12. In *Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315*, the Apex Court observed that the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C. They do have power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

13. Now coming to the present case. The petitioner and co-accused has been booked for commission of offence punishable under Section 318(4) of BNS on the allegations that he, in connivance with co-accused Rajwinder Kaur, had cheated complainant. This section reads as under :

“318(4) Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

14. It is clear from the above that to constitute the offence of

cheating, there must be fraudulent or dishonest inducement of a person with intention to deceive him and such person must have been deceived to deliver any property or to give consent to retain such property or to omit to do anything or to make alter or destroy the whole or any part of valuable security. Simultaneously, *mens rea* of the accused at the time of making such inducement must also to be established.

15. This Court has considered the contentions raised by learned counsel for the parties in the wake of above discussed position of law. Now advertng to the facts of the present case. A careful perusal of the allegations levelled in the present FIR would show that the marriage between Sandeep Singh and Rajwinder Kaur was admittedly solemnized with the consent of both the families on 21.11.2021 and thereafter both of them travelled to England on 28.06.2022, where they resided together as husband and wife. The allegations as levelled by the complainant itself reveal that matrimonial discord arose between the parties after they started residing together in England and thereafter disputes with regard to transfer of money, harassment and desertion surfaced between them. From the admitted factual matrix, it cannot be *prima facie* inferred that at the very inception of the marriage or at the time when the complainant allegedly incurred expenses for sending the couple abroad, there existed any fraudulent or dishonest intention on the part of the present petitioner to deceive the complainant. Mere failure of matrimonial relationship or subsequent conduct of the parties arising out of matrimonial discord would not *ipso facto* attract the offence of cheating in the absence of material showing dishonest intention from the very beginning.

16. This Court also cannot lose sight of the fact that prior to registration of the impugned FIR, respondent No.2/complainant had already approached the police authorities by moving complaint dated 06.11.2024 before SSP, Patiala on substantially similar allegations. The matter was duly enquired into and enquiry reports dated 04.12.2024, 07.01.2025 and 14.01.2025 were submitted by the concerned authorities, wherein it was specifically noticed that both the son of the complainant and daughter of the petitioner had gone to England together and resided there as husband and wife and that matrimonial disputes had arisen between them while residing abroad. It was further opined in the enquiry that the occurrence in question had taken place in England and that the complainant could avail appropriate remedies before the competent Court. Despite the aforesaid enquiry reports, another complaint on substantially identical allegations culminated into registration of the impugned FIR, thereby giving criminal colour to what is essentially a matrimonial dispute between the parties. Significantly, the allegations levelled against the present petitioner, who happens to be father of Rajwinder Kaur, are omnibus and general in nature. No specific material has been brought on record to show that the petitioner himself had induced the complainant by any false representation or that he had acted with dishonest intention at the inception of the transaction. The gravamen of allegations essentially pertains to conduct of co-accused Rajwinder Kaur after she alongwith son of the complainant started residing together in England. Even as per the case of the prosecution, the alleged transfer of money and matrimonial discord arose subsequently during subsistence of marriage. Such allegations, even if taken at their face value, primarily

disclose a matrimonial and personal dispute between the spouses and do not satisfy the essential ingredients necessary to constitute the offence punishable under Section 318(4) of BNS qua the present petitioner. Hon’ble Supreme Court in *Bhajan Lal’s case (supra)* has categorically held that where the allegations made in the FIR, even if taken at their face value, do not prima facie constitute any offence or where the criminal proceedings are manifestly attended with mala fide and instituted with ulterior motive, the inherent powers can be exercised to prevent abuse of process of Court. In the considered opinion of this Court, continuation of criminal proceedings against the present petitioner would amount to abuse of the process of law. The dispute between the parties predominantly arises out of matrimonial discord which admittedly occurred after marriage and during the stay of the parties in England. The necessary ingredient of dishonest intention from the inception, which forms the very foundation of an offence of cheating, is conspicuously absent from the allegations levelled in the FIR. Consequently, no useful purpose would be served by permitting the criminal prosecution of the petitioner to continue.

17. In view of the discussion made above, the present petition is allowed and FIR No.29 dated 01.03.2025 registered under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Samana, District Patiala and all consequential proceedings arising therefrom, are hereby quashed qua the present petitioner.

14.05.2026
Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No