



CRM-M-35278-2022 (O&M) and another connected matter

-1-

132 (02 Cases)

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

Date of Decision:- 30.03.2026

(1)

CRM-M-35278-2022 (O&M)

Narinderpal Kaur

.... Petitioner

VERSUS

State of Punjab and another

.... Respondents

(2)

CRM-M-38304-2022

Jagmeet Kaur and others

.... Petitioners

VERSUS

State of Punjab and another

.... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.P.S. Duggall, Advocate
for the petitioner(s) in both cases.

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. Aman Kumar, Advocate
for Mr. Prateek Pandit, Advocate
for respondent No. 2 in both cases.

AMARJOT BHATTI, J.

1. Both petitions as referred above arising out of common complaint No. COMA/27/2021 dated 22.10.2021 titled “Charanjit Kaur Vs. Chamkaur Singh etc.” and common order dated 22.10.2021, are taken up together for disposal.



CRM-M-35278-2022 (O&M) and another connected matter

-2-

2. Petitioner Narinderpal Kaur has filed petition i.e. CRM-M-35278-2022, whereas, petitioners Jagmeet Kaur, Kuldeep Singh and Jagir Kaur have filed separate petition i.e. CRM-M-38304-2022, under Section 482/483 Cr.P.C. for setting aside complaint titled “Charanjit Kaur Vs. Chamkaur Singh etc.” (CNR No. PBKPB1-002559-2021 case No. COMA/27/2021 dated 22.10.2021) (Annexure P-5) as well as subsequent proceedings i.e. impugned order dated 22.10.2021 (Annexure P-6), being misuse of process of law or any other relief which the Court may deem fit and appropriate in the present case.

3. Brief facts of the case are, Charanjit Kaur – respondent No. 2 (applicant in main case) filed complaint under Section 12, 17, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005 (for short ‘DV Act, 2005’), alleging that her marriage was solemnized with Chamkaur Singh on 15.06.2020 and out of this wedlock, she is having a daughter, namely, Gursifat Kaur, born on 15.05.2021, who is under care and custody of complainant. As per her version, marriage was solemnized by her mother with great pomp and show. All dowry articles were handed over to respondents. After marriage, she came to know that her husband was drug addict. Soon after marriage, harassment started. Her in-laws family was unhappy with dowry articles. There was demand of Rs. 1 lakh raised by her husband which was satisfied by her mother. Thereafter, various demands were allegedly raised. She was abused and ill-treated in matrimonial home. Finally, when her family was unable to satisfy their demands, her husband refused to keep her and maintain her. She filed



CRM-M-35278-2022 (O&M) and another connected matter

-3-

complaints to higher police officers and finally, complaint was filed (Annexure P-5).

4. Learned counsel representing petitioner Narinderpal Kaur (in CRM-M-35278-2022) raised the issue that allegations levelled by respondent No. 2 are false and without any basis. Dispute arose between husband and wife due to temperamental differences and misunderstanding. Respondent No. 2/wife filed application (Annexure P-1). Both parties collected and with intervention of respectables, compromise was affected. Statement of respondent No. 2 given before Women Cell is Annexure P-2. Inquiry report (Annexure P-3) was accordingly prepared and on the basis of compromise arrived at between the parties, it was recommended to be consigned, which was duly accepted by Senior Superintendent of Police, Kapurthala. In terms of that compromise, amount was deposited in the account of their daughter Gursifat Kaur. Copy of statement of account is Annexure P-4. Even then, respondent No. 2 failed to comply terms of compromise and did not withdraw present complaint (Annexure P-5). On this point, learned counsel representing petitioner referred to judgment of **Supreme Court of India** in case titled “**Ruchi Agarwal Versus Amit Kumar Agrawal**” cited in **2004(4) R.C.R.(Criminal) 949 : Law Finder Doc Id #78949**, where in that case *FIR registered under Section 498-A and 506 IPC was quashed, since on the basis of compromise deed, the lady had received lump sum maintenance and her istridhan which resulted into passing a decree of divorce and withdrew the petition under Section 125 Cr.P.C., but later on did not support in quashing of criminal case.* In that



CRM-M-35278-2022 (O&M) and another connected matter

-4-

case, it was observed that *continuation of criminal proceedings is nothing but abuse of process of Court and ultimately, while dismissing the appeal also quashed proceedings arising from the criminal case registered in police station under the provisions of Section 498A, 323 and 506 IPC and under Section 3 and 4 of Dowry Prohibition Act.*

Learned counsel further argued that it is respondent No. 2 who has failed to honour the terms of compromise. Petitioner Narinderpal Kaur is not directly related to Chamkaur Singh or his family. Therefore, complaint filed by respondent No. 2 under the provisions of DV Act, 2005 is not maintainable qua her. In fact, she is a distant relative and is not covered under the definition of Family. Present complaint is filed and pursued only to harass petitioner.

4.1 Learned counsel representing petitioners Jagmeet Kaur, Kuldeep Singh and Jagir Kaur in CRM-M-38304-2022 further added that petitioners were residing separately from respondent No. 2 and her husband Chamkaur Singh. There was no interference in their marriage. Dispute was between husband and wife and in complaint filed by respondent No. 2, they have been arrayed as respondents unnecessarily. Complaint filed by respondent No. 2 under the provisions of DV Act, 2005 is nothing but misuse of process of law. Therefore, it is submitted that complaint filed by respondent No. 2 Charanjit Kaur (Annexure P-5 in both cases) and impugned order dated 22.10.2021 passed by learned Sub Divisional Judicial Magistrate (Annexure P-6) is liable to be quashed by accepting present petitions.



CRM-M-35278-2022 (O&M) and another connected matter

-5-

5. On the other hand, learned counsel representing respondent No. 2 took the stand that respondent No. 2-wife was maltreated in matrimonial home by her husband and other members of in-laws family, as a result case was filed by Charanjit Kaur under the provisions of DV Act, 2005. Alleged compromise arrived at between the parties was not honoured by them. Learned counsel referred to statement of account (Annexure P-4 in both cases), which is in the name of their daughter Gursifat Kaur under the guardianship of Chamkaur Singh-father. Amounts which were deposited in aforesaid account were also withdrawn by Chamkaur Singh/non-petitioner, who is husband of respondent No. 2 Charanjit Kaur. Secondly, it is pointed out that petitions filed by petitioners are not maintainable. In case, they have any grievance, they could have challenged the order by filing appeal under the provisions of Section 29 of DV Act, 2005. Facts detailed in complaint (Annexure P-5) and compliance of terms of compromise is matter of record. Learned counsel representing respondent No. 2 has referred to judgment of **Supreme Court of India Criminal Appellate Jurisdiction**, in case titled **“Shaurabh Kumar Tripathi Versus Vidhi Rawal”**, Criminal Appeal No. 2688 of 2025 (arising out of Petition for Special Leave to Appeal (Crl.) No. 9493 of 2024 and another connected matter, where it was concluded in para No. 39 of said judgment, which is as under:-

“39. To conclude, the view taken in the impugned order of the High Court that a petition under Section 482 of the CrPC for challenging the proceedings emanating from Section 12(1) of the



DV Act, 2005 is not maintainable, is not the correct view. We hold that High Courts can exercise power under Section 482 of CrPC (Section 528 of the BNSS) for quashing the proceedings emanating from the application under Section 12(1) of the DV Act, 2005, pending before the Court of the learned Magistrate. However, considering the object of the DV Act, 2005, the High Courts should exercise caution and circumspection when dealing with an application under Section 12(1). Normally, interference under Section 482 is warranted only in the case of gross illegality or injustice.”

It is submitted that petitions preferred by petitioners referred above deserve dismissal.

6. I have considered the arguments and have gone through the record carefully. Both petitions are filed for quashing of complaint (Annexure P-5 in both cases) filed by Charanjit Kaur under the provisions of Section 12, 17, 18, 19, 20 and 22 of DV Act, 2005 as well as order dated 22.10.2021 (Annexure P-6 in both cases) vide which notice is sent to petitioners (respondents in main case) and report has been called from CDPO. Complaint filed under Section 12 of DV Act, 2005 is predominantly civil in nature as it provides protection to aggrieved women along with relief of maintenance, residence etc. Therefore, remedies provided under aforesaid Act are basically civil in nature and breach of protection order may have criminal consequences. In the light of this, order dated 22.10.2021 (Annexure P-6) cannot be compared with summoning order which is passed in a complaint case after recording of pre-summoning evidence. Therefore, only notice is sent to respondents



CRM-M-35278-2022 (O&M) and another connected matter

-7-

(petitioners in this case) along with report of CDPO to proceed further in complaint filed by respondent No. 2-wife under the provisions of DV Act, 2005. Petitioners (respondents in main case) had opportunity to take their stand by filing their detailed reply and in case they are aggrieved by any order passed in complaint, same can be challenged by filing appeal under the provisions of Section 29 of DV Act, 2005. Stand taken by respondent No. 2-wife (complainant in main case) and defence raised by present petitioners (respondents in main case) is matter of consideration before trial Court.

In the light of aforesaid factual position, at this stage, I do not find merits in petitions (**CRM-M-35278-2022 and CRM-M-38304-2022**) filed by petitioners referred above, seeking quashing of complaint titled “Charanjit Kaur Vs. Chamkaur Singh etc.” (CNR No. PBKPB1-002559-2021 case No. COMA/27/2021 dated 22.10.2021) (Annexure P-5) as well as subsequent proceedings i.e. impugned order dated 22.10.2021 (Annexure P-6) and same are, accordingly dismissed.

7. Pending miscellaneous application(s), if any, in both cases, stand disposed of accordingly as well.

8. A photocopy of this order be placed on the file of connected case mentioned above.

30.03.2026

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No