

2025:PHHC:105711



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

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**CRM-M-44221-2025
Date of Decision: 13.08.2025**

RUPINDER KAUR AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Sahir Singh Virk, Advocate for the petitioners.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SHALINI SINGH NAGPAL, J.

Prayer in this petition under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 is for quashing of order dated 06.10.2023 of the Court of learned Addl. Sessions Judge, S.A.S. Nagar (Mohali) in case titled Rupinder Kaur and Another Versus State of Punjab and another.

Facts relevant for disposal of the petition are that FIR No.386 dated 01.07.2021 under Sections 313, 406, 498-A, 120-B of Indian Penal Code, 1860 was registered at Police Station Zirakpur, District S.A.S. Nagar, Mohali. A Hyundai car bearing Registration No.CH-01-CA-3009 was taken into police possession during investigation. Registration certificate of the car was in the name of Ranjit Singh, however, application for superdari was moved by Balwinder Singh, father of complainant alleging that the car was given to Ranjit Singh at the time of marriage of his daughter, Rupinder Kaur and the same was her "istridhan". He claimed that the car was purchased by him on 24.01.2020 on

payment of Rs.5,65,721/- from his bank account, but all receipts were made in the name of Ranjit Singh as he wanted the car to be registered at Chandigarh.

Learned SDJM, Dera Bassi observed in his order dated 17.02.2022 that registered owner of the car was Ranjit Singh and dismissed the application of Balwinder Singh being devoid of merit.

Revision petition challenging the said order was filed in the Court of Shri K.K. Singla, then learned Addl. Sessions Judge, S.A.S. Nagar (Mohali), who observed that Ranjit Singh was registered owner of the car in question and though some payments were made by petitioner No.2, Balwinder Singh, it could not be said that petitioners (Rupinder Kaur and Balwinder Singh) were owners of the car in question. Relying upon *Rajendra Prasad Versus State of Bihar, (2002) 2 RCR (Criminal) 812 and Ashok Kumar Versus State of Bihar and others, 2001 AIR (SCW) 2314*, it was observed that the vehicle ought to be given to the registered owner till its title was settled. The Revision Petition was found to be without merit and was dismissed.

Aggrieved, the complainant, Rupinder Kaur and her father, Balwinder Singh have filed present petition before this Court.

The only argument advanced by learned counsel for the petitioners is that the car was given as a gift to Rupinder Kaur by her father Balwinder Singh at the time of marriage, which constituted her "istridhan". Therefore, order of release of vehicle to respondent No.2 deserves to be quashed.

At the very outset, it needs to be noticed that order dated 06.10.2023 impugned in the petition does not order release of the vehicle No.CH-01-CA-3009 to respondent No.2. Vide order dated 17.02.2022, learned SDJM, Dera Bassi dismissed the superdari application filed by petitioner

Balwinder Singh. The order vide which the car in question was released in favour of respondent No.2 has not been challenged.

Be that as it may, a similar controversy has been determined by a Co-ordinate Bench of this Court in *CRM-M-13014 of 2017* titled *Sushil Versus State of Haryana and Another* decided on *11.12.2018*. In that case, an application for release of car on superdari was moved by registered owner of the car. Another application for superdari of the same vehicle was moved by father of the complainant, who claimed that he had given the vehicle to his daughter at the time of her marriage as “istridhan”, therefore, the registered owner was not entitled to superdari of the vehicle. The Court of learned Chief Judicial Magistrate allowed the application of father of the complainant while declining claim of registered owner. This Court took note of the statutory provisions of Motor Vehicles Act, 1988 and held that since Sushil was registered owner of the vehicle in question and there was a rival claim regarding the vehicle, discretion under Section 451 Cr.P.C., summary in nature shall be exercised for giving interim custody of the car in question to its registered owner. The order of learned Chief Judicial Magistrate was set aside being illegal and perverse.

Reverting to the facts of present case, it was petitioners’ own version before learned SDJM, Dera Bassi that all receipts of purchase of car were issued in the name of Ranjit Singh, respondent No.2. Concededly, the car in question is registered in the name of Ranjit Singh. Therefore, order of learned SDJM, Dera Bassi dated 17.02.2022 and subsequent order dated 06.10.2023 of learned Addl. Sessions Judge, S.A.S. Nagar (Mohali) do not suffer from any

illegality or irregularity warranting exercise of inherent powers under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023.

The petition is hereby dismissed.

(SHALINI SINGH NAGPAL)
JUDGE

AUGUST 13, 2025.

Rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No