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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-315-2025 (O&M)
Date of decision: 02.05.2025

JAGPAL SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Hitesh Ghai, Advocate for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

CRM-4806-2025

Prayer in this application is for condonation of delay of 61 days in filing the present criminal revision petition.

For the reasons mentioned in the application, the same is allowed and the delay of 61 days in filing the present criminal revision petition, is hereby condoned.

CRR-315-2025

1. The present criminal revision petition has been filed for setting aside the order dated 05.09.2024 passed by the learned Additional Sessions Judge, Ludhiana, vide which charges have been framed against the petitioners under Sections 498-A, 406, 315, 323, 506 and 34 of the IPC.

2. The present criminal revision petition has been filed by the parents-in-law of the complainant, who is impleaded as respondent No.2 in the present case.



3. Learned counsel for the petitioners submitted that at the time of framing of charges by the learned Additional Sessions Judge, Ludhiana, although charges have been framed under Sections 498-A, 406, 315, 323, 506 and 34 of the IPC on the basis of allegations made in the FIR but the framing of charges under Section 315 of the IPC was not sustainable in the facts and circumstances of the present case. While giving the background of the case, he submitted that an FIR dated 21.03.2024 was registered against the petitioners and the son of the petitioners vide Annexure P-1 under Sections 498-A, 323, 506 and 34 of the IPC. The aforesaid FIR is reproduced as under:-

“Statement of Sandeep Kaur, wife of Rajdeep Singh, daughter of Baldev Singh resident of Village Gujjarwal, P.S Jodhan, District Ludhiana age about 32 years, mobile no. 79865-42181. Stated that I am resident of above-mentioned address and is a house wife. On 05.05.2023 my marriage was solemnized with Rajdeep Singh Grewal son of Jagpal Singh resident of village Gujjarwal, P.S Jordan, District Ludhiana as per Sikh rituals and rites. After sometime of marriage my in-laws have started troubling me. When I got pregnant, my mother-in-law namely Karamjit Kaur has apprehension that there is female fetus in my womb, as such my in-laws used to beat in me in my pregnancy time, asked me to do all house hold work and they had never provided me any medication. Thereafter I suffered from jaundice. On my various request, they got me admitted in hospital at Ludhiana on 18.01.2024 for my medical treatment. I got admitted till 25.01.2024 and thereafter I returned to my in-law's house. My mother-in-law Karamjit Kaur, my father-in-law Jagpal Singh and my husband Rajdeep Singh has



started demanding the amount spent by them on my medical treatment and started quarreling with me. On 03.02.2024 my mother-in-law, my father-in-law and my husband has beaten me and my mother-in-law has jumped and sat on my womb/stomach due to which there was excessive pain in my stomach. Thereafter I called on 100 number and also to my parents, as such the police from P.S Jodhan has reached on the spot and my parents has also come to Village Gujjarwal. Due to my deteriorating health my parents have took me to civil hospital, where doctor has asked to get the ultra sound of my stomach and after taking medicines, I came to my parent's village. On 05.02.2024 I got my ultra sound at civil hospital, Ludhiana. On same day I came back to home from hospital. Thereafter, I was got my routine treatment from Orison hospital. On 18.03.2024 there was severe pain in my stomach and my parents brought me to Orison hospital for my treatment. After conducting the tests, doctors told that my one child has died in my womb and in order to save the life of second child two operations were required to be done, or there will be danger to the life of second child. I gave birth to two daughters; one daughter was dead and other daughter was in critical condition and she has been admitted to N. ICU. This incidence has occurred to due violence inflicted upon me during my pregnancy. Legal action should be taken against my mother-in-law Karamjit Kaur, Jagpal Singh son of Manjit Singh and Rajdeep Singh. My sister-in-law's also used to taunt me. Talks of compromise was going between us, but same has not been matured. I got my statement recorded and same has read over to me and is correct Sd/- Sandeep Kaur.”



4. While referring to the allegations made by respondent No.2 against the present two petitioners, who are the parents-in-law, he submitted that respondent No.2 had alleged that after her marriage on 05.05.2023, her in-laws started troubling her and when she got pregnant her mother-in-law, who is petitioner No.2 in the present petition had an apprehension that there is a female fetus in her womb and for that reason her in-laws used to beat her during her pregnancy time and also used to compel her to do all the household work and did not provide her any medication. Thereafter, respondent No.2 suffered from jaundice as well and on her various requests, she was admitted by her in-laws in the hospital at Ludhiana for medical treatment on 18.01.2024 and thereafter, when she returned back to her matrimonial home then both the petitioners, who are the parents-in-law of respondent No.2 as well as her husband started demanding from her the amount spent by them on her medical treatment and started quarrelling with her. On 03.02.2024, petitioner No.1-father-in-law, petitioner No.2-mother-in-law and husband of respondent No.2 again gave beatings to respondent No.2 and petitioner No.2-mother-in-law jumped and sat on her womb/stomach due to which there was severe pain in her stomach and she called the police at 100 number and also her parents.

5. Learned counsel for the petitioners further submitted that although no DDR was registered in this regard by the police but respondent No.2 was taken to the hospital by her parents for getting her treated and on 05.02.2024, her ultrasound was conducted and she returned to her parental home and thereafter, on 18.03.2024, as per the allegations, there was severe pain in the stomach of respondent No.2 and since she was pregnant with



twins, one of the fetuses died in the womb and two surgeries were performed on respondent No.2.

6. It was also argued by the learned counsel for the petitioners that the offence under Section 315 of the IPC was not invoked at the time of registration of the FIR and it was only at the time of framing of charges that charges under Section 315 of the IPC have been framed against the petitioners and therefore, they are not sustainable. To substantiate his arguments, he submitted that when petitioner No.2-mother-in-law allegedly jumped on the womb/stomach of respondent No.2 on 03.02.2024, nothing had happened to her and one of the fetuses died in the womb on 18.03.2024 which was after about 1½ months and therefore, there is no connection at all between the cause of death of one of the fetuses and the aforesaid allegations of jumping on the womb/stomach of respondent No.2 by petitioner No.2-mother-in-law, even if assumingly the aforesaid allegations are taken to be true on the face of it. He also submitted that the circumstances of the present case suggest that at the time of framing of charges, there was no material available with the learned Additional Sessions Judge, Ludhiana to have framed the charges under Section 315 of the IPC and therefore, the charges framed under Section 315 of the IPC may be quashed qua the present petitioners.

7. Learned counsel for the petitioners referred to the medical record of respondent No.2 which has been attached alongwith the present petition as Annexure P-10 to show that even when on 05.02.2024, ultrasound of respondent No.2 was conducted by the Department of Radiology, LM Civil Hospital Ludhiana, it was found that there was no evidence of free fluid in



peritoneal recesses and pelvic cavity at the time of examination. He also referred to another document, which is Annexure P-2 to contend that the pregnancy of respondent No.2 was a high risk case and the consent of the husband of respondent No.2 was also taken on 18.01.2024 and therefore, in such circumstances it cannot be said that the death of one of the fetuses in the womb was caused because of the aforesaid reason.

8. I have heard the learned counsel for the petitioners.

9. As per the allegations contained in the FIR, it was specifically alleged by respondent No.2 that her parents-in-law i.e. the present petitioners were not interested in a female child and her mother-in-law, who is petitioner No.2 in the present case had an apprehension that she was expecting a female child after her pregnancy. It was further alleged by respondent No.2 that both the petitioners as well as her husband used to give her beatings because of this reason and thereafter, on 03.02.2024, they not only gave her beatings again but petitioner No.2-mother-in-law jumped on her womb/stomach and thereafter, she called the police at number 100, although no DDR was registered by the police in this regard. The death of one of the fetuses in the womb took place on 18.03.2024. A perusal of the medical record which has been attached by the petitioners themselves alongwith the present petition as Annexure P-9 would show that it is on the same date of alleged incident i.e. 03.02.2024 that respondent No.2 was treated at L M Civil Hospital, Ludhiana and as per the medico legal report, she was treated in emergency. It was so stated in the MLR that there was an alleged H/O assault H/O beaten by in-law family at 4 PM on 03.02.2024 and so far as the injuries are concerned, it was so incorporated that



the patient came to emergency with 6 months twin pregnancy C/O pain all over abdomen adv U/S abdomen and gynae examination and gynae opinion, no P/V bleeding present as explain by patient. The aforesaid report is reproduced as under:-

Gist of incident as stated by the injured/accompanying person	
Gist of incident	ALLEGED H/O ASSAULT H/O BEATEN BY IN LAW FAMILY AT 4 PM 3/2/2024
General condition of the person, clothing etc.	
General condition	PT CALM, CONSCIOUS WELL ORIENTED TO T,P,P

Sr. No.	Injuries	Marked	Injury Number
1	PT CAME TO EMERGENCY WITH 6 MONTH TWIN PREGNANCY C/O PAIN ALL OVER ABDOMEN ADV U/S ABDOMEN AND GYNAE EXAMINATION AND GYNAE OPINION. NO P/V BLEEDING PRESENT AS EXPLAIN BY PATIENT	Yes	1

10. Learned counsel for the petitioners has relied upon the ultrasound report dated 05.02.2024, whereby it has been so stated that there was no evidence of free fluid in peritoneal recesses and pelvic cavity at the time of examination. He also referred to the consent being given by the husband of respondent No.2 earlier in the month of January, 2024 vide Annexure P-2. The learned Additional Sessions Judge, Ludhiana had on the basis of material available on the record framed charges not only under Sections 498-A, 406, 323, 506 and 34 of the IPC but also under Section 315 of the IPC against the petitioners. It is a settled law that the jurisdiction of High Court can be invoked for quashing the FIR/complaint or framing of charge(s) or any such consequential proceedings when on the face of it the offence is not made out and apart from the above, various parameters have been set by Hon'ble



Supreme Court in *State of Haryana and others versus Ch. Bhajan Lal and others, 1992 SCC (Criminal) 426* and thereafter, in a number of other judgments. There is no doubt that inherent powers of High Court can be invoked at any stage to prevent the miscarriage of justice but it has to come within the parameters laid down by Hon'ble Supreme Court. Once there is a medical record to show that on the same date of incident i.e. 03.02.2024, respondent No.2 was examined by a Government Hospital in which she herself had so reported assault by her in-laws, although at that point of time no bleeding was present and nothing could be detected but this Court cannot exercise its powers under Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in a revision petition, at this stage, for the purpose of ascertaining as to whether the death of one of the fetuses in the womb was caused due to the aforesaid alleged beatings or not. Even as per the medical science, it is not necessary that whenever an assault is made then it has to take an effect immediately especially when it involves sensitive organs or pregnancy related complications. The Court can neither substitute its opinion for the opinion of medical expert nor the same can be appreciated at the stage of framing of the charges and it can be done only at the time of adducing evidence on the basis of evidence led by the parties.

11. In other words, it was the argument of the learned counsel for the petitioners that offence under Section 315 of the IPC on the basis of which the petitioners have been charge-sheeted should be quashed at this stage only by the High Court. Such kind of argument raised by the learned counsel for the petitioners is absolutely unsustainable and in fact a frivolous argument. This



Court is of the considered view that quashing of framing of charges under Section 315 of the IPC based upon the record as aforesaid will not be in the interest of justice and may cause miscarriage of justice. Therefore, the present petition is not only frivolous but also vexatious in nature.

12. Apart from the above, the present is a revision petition filed by the petitioners and the scope of revision petition is very limited. The facts and circumstances of the present case suggest that there is no illegality or perversity in the aforesaid impugned order dated 05.09.2024 passed by the learned Additional Sessions Judge, Ludhiana.

13. Consequently, the present petition is hereby dismissed with Rs.25,000/- (Rupees Twenty Five Thousand) as costs. The petitioners are directed to deposit the aforesaid costs before the Court of learned Additional Sessions Judge, Ludhiana/trial Judge, within a period of three months from today. On their depositing the aforesaid costs, the learned Additional Sessions Judge, Ludhiana/trial Judge shall transmit the same to District Legal Services Authority, Ludhiana.

14. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

02.05.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No