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

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CRM-M-14182-2024 (O&M)

Date of decision : 07.07.2025

Daljeet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harpreet S. Multani, Advocate and
Mr. Harmanpreet Singh Mander, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Sahil Soi, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 482 of Cr.P.C. for quashing of FIR No. 01 dated 04.03.2014 (Annexure P-3), registered under Sections 420 and 120-B of IPC (Section 495 of IPC added later on) at Police Station NRI Sangrur, Punjab along with all the subsequent proceedings arising therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint lodged by complainant/respondent No. 2-Swaranjit Kaur (now deceased) alleging therein that her daughter Sandeep Kaur was married to accused Gursharan Singh on 13.02.2005 according to Sikh rites and

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ceremonies. The above said Gursharan Singh was a permanent resident of United States of America (*for short* 'USA'). Accused Manjit Singh Sekhon and Ranjit Kaur, who were maternal uncle and aunt respectively of Gursharan Singh, had met the complainant and had offered matrimonial alliance of Gursharan Singh for Sandeep Kaur, subject to spending an amount of Rs. 15 Lakhs in cash and giving 25 *Tolas* of gold. The complainant had fulfilled those demands. Their marriage was performed on 13.02.2005. After the birth of a male child to complainant's daughter, she was taken by Gursharan Singh to USA and on reaching there, she found that Gursharan Singh was previously married and had a female child with that marriage. This fact was disclosed by the daughter of the complainant to her in January, 2011, when she visited India. She also disclosed to the complainant that Gursharan Singh had forcibly divorced her. By alleging that Gursharan Singh and co-accused Manjit Singh Sekhon and Ranjit Kaur had cheated her daughter and herself by concealing the factum of previous marriage of Gursharan Singh, the complainant prayed for initiating criminal proceedings against them.

3. After registration of the FIR, investigation proceedings were initiated. During investigation, the petitioner was nominated as accused in this case on the allegations that he, in connivance with co-accused Gursharan Singh, had concealed the factum of former marriage of Gursharan Singh. The petitioner could not be arrested. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person, vide order dated 30.09.2014, passed by the learned trial Court. He filed a petition, bearing number CRM-M-62236-2023 and his arrest was stayed. Subsequently, he was granted benefit of bail. Challan qua him has now been presented.

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4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The marriage between Sandeep Kaur and Gursharan Singh was performed on 13.02.2005. Sandeep Kaur resided with Gursharan Singh till December, 2011. Their marriage was dissolved by way of a decree of divorce. The impugned FIR was lodged in the year 2014 by the mother of Sandeep Kaur and not by Sandeep Kaur herself, who was the actual alleged victim. The petitioner was not named in the FIR. No allegation had been levelled against him in the FIR. His parents were involved in this case. The impugned FIR already stands quashed by this Court qua the parents of the petitioner, vide order dated 27.02.2019 passed in **CRM-M-24149-2014**. The petitioner had left India in the year 2010 and was in USA since then. He had never received any notice in connection with the impugned FIR nor any intimation regarding issuance of warrants had been given to him. No role has been attributed to him. He has been nominated as an accused without any basis. The ingredients for commission of offences punishable under Sections 420 and 495 read with Section 120-B of IPC are not at all made out against him. He has been roped in only due to being relative of Gursharan Singh. The victim herself i.e. Sandeep Kaur had never lodged any complaint on the allegations that the factum of previous marriage of Gursharan Singh was concealed or that the petitioner had any hand therein. In fact, Gursharan Singh was never married previously and a female child was born out of his live-in-relationship. The allegation of bigamy attracting Offence under Section 495 of IPC is only qua Gursharan Singh and the same is not at all made out against the petitioner. In the given facts and circumstances, continuation of proceedings against the petitioner shall surely be an abuse of process of law.

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With these broad submissions, it is urged that the FIR in question is liable to be quashed along with all the subsequent proceedings having arisen therefrom.

5. Separate replies have been filed by the respondent-State as well as by respondent No. 2/complainant. Learned Assistant Advocate General, Punjab, assisted by learned counsel for respondent No. 2/complainant, has submitted that the investigation has been completed and challan has been presented. The petitioner was a proclaimed person in this case previously. There are serious allegations against him. It is, therefore, argued that the petition lacks merit and is liable to be dismissed.

6. It will be relevant to mention here that respondent No. 2/complainant Swaranjit Kaur has died.

7. I have heard learned counsel for the parties at considerable length, besides going minutely through the material available on record.

8. At the outset, I deem it appropriate to consider the scope of interference in chargesheet that has been filed by the police against the petitioners. An accused certainly can approach High Court under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) or under Article 227 of the Constitution of India to have the proceedings quashed against him, when the complaint does not make out any case against him. Hon'ble Supreme Court has laid down broad principles of law relating to exercise of extraordinary power under Article 226 of the Constitution of India to quash the FIR/Challan report in a celebrated judgment cited as *State of Haryana vs. Bhajan Lal and others : 1991 (1) RCR (Criminal) 383*, wherein it has been held that the power to quash an

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FIR/chargesheet can be exercised either to prevent abuse of process of Court or otherwise to secure the ends of justice. The following categories of cases have been detailed, wherein such powers can be exercised:

- i. 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.
- ii. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. 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.
- iii. 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.
- iv. Where, the allegations in the F.I.R. 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.
- v. Where the allegations made in the F.I.R. 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.
- vi. 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.

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vii. 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

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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 trenced upon.

13. Now coming to the present case. The petitioner has been booked for commission of offence punishable under Section 420 of IPC on the allegations that he, in connivance with co-accused, had cheated

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complainant/her daughter. The offence of cheating is defined under Section 415 of IPC and cheating a person, thereby dishonestly inducing him to deliver any property falls within the ambit of Section 420 of IPC. The ingredients required to constitute Offence of cheating under Section 415 of IPC are as follows:

- (i) There should be fraudulent or dishonest inducement of a person by deceiving him;**
- (ii) (a) The person so deceived should be induced to deliver any property to any person, or to consent that any person shall retain any property; or**
- (b) The persons so deceived should be intentionally induced to do or omit to do anything which he would not do or omit if he were not so deceived; and**
- (iii) In cases covered by (ii)(b) the act or omission should be one which causes or is likely to cause damage or harm to the person induced in body, mind, reputation or property.**

14. Further, the ingredients for commission of offence punishable under Section 420 of IPC are as follows:

- (i) Cheating;**
- (ii) Dishonest inducement to deliver property or to make, alter or destroy any valuable security or anything which is sealed or signed or is capable of being converted into valuable security, and**
- (iii) Mens rea of the accused at the time of making the inducement.**

15. 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

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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. In the present, however, on going through the contents of the challan report, it is revealed that the petitioner was not even named in the FIR. He was nominated subsequently. However, there is no allegation that there was any inducement whatsoever on his part of the victim/complainant to omit or do anything, to cause any wrongful loss to the victim or to deliver any property or valuable security to himself. The allegation that his signatures were there on the marriage certificate of the daughter of the complainant and Gursharan Singh does not prove that the petitioner committed any cheating with the complainant or with her daughter. As such, in my considered opinion, the ingredients for commission of offence punishable under Section 420 of IPC are not at all made out against the petitioner.

16. The petitioner has also been booked for commission of offence punishable under Section 495 of IPC. As per this section, if a person commits offence under Section 494 of IPC by marrying again during lifetime of his spouse and conceals the fact of his/her former marriage from the person with whom the subsequent marriage is contracted, he/she shall be liable for punishment. From a bare reading of this provision, it is evident that only the person who has committed the offence of bigamy can be held liable for punishment under this section and not any other person. The petitioner obviously does not fall under this category as it is accused Gursharan Singh, who is alleged to have performed second marriage with the daughter of the complainant and can be held liable under this section if at all. Therefore, the

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prosecution of the petitioner under this section would not be fruitful as there is no likelihood of his conviction therein and proceeding with the trial under this section qua petitioner would be a futile exercise.

17. That apart, there are several other points, which require consideration. The daughter of respondent No. 2/complainant was married with Gursharan Singh in the year 2005 and a decree of divorce was obtained in the year 2011 in Ireland itself. The instant FIR was lodged in the year 2014 i.e. after a gap of about 09 years of their marriage and 03 years after the divorce. No complaint whatsoever by the daughter of the complainant had been filed, though she can be considered as real victim, if any. More so, there is no allegation that the petitioner had any knowledge of the previous marriage of Gursharan Singh or he had made any misrepresentation to the complainant or her daughter that he was not previously married or that Gursharan Singh was actually married previously. All this goes to show that the petitioner, being relative of Gursharan Singh, has been implicated in this case as an accused on account of some malafide on the part of the complainant due to the fact that her daughter had a matrimonial dispute with Gursharan Singh.

18. As a fallout and consequence of above stated legal analysis, it is held that the instant one is a fit case for exercising inherent powers of this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*which is pari materia with Section 482 of Cr.P.C.*) to do real and substantial justice. Accordingly, the present petition is allowed and FIR No. 01 dated 04.03.2014 (Annexure P-3), under Sections 420 and 120-B of IPC (Section 495 of IPC added later on) at Police Station NRI Sangrur, Punjab as registered against the

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petitioner, challan report and all the other subsequent proceedings having arisen therefrom are hereby quashed qua the petitioner.

19. Since the main petition stands decided, pending application(s), if any, shall be treated as disposed of.

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Wasem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No