

**CRM-M-49172-2024 (O&M)****1**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-49172-2024 (O&M)**

Date of Decision : 22.05.2025

Gagandeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Harshit Jain, Advocate
for the petitioner

Ms. Aakanksha Gupta, AAG Punjab

Mr. Dinesh Shubham Mehta, Advocate
for respondent No. 2**KIRTI SINGH, J.(Oral)****CRM-21693-2025**

This is an application filed under Section 528 of BNSS for placing on record reply alongwith Annexure R-2/1 affidavit of Paramanand dated 02.09.2024 and Annexure R-2/2 photographs.

For the reasons mentioned in the application, the same is allowed and Annexures R-2/1 and R-2/2 are taken on record.

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1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.010 dated 31.08.2023 registered under Sections 498-A, 406 IPC at Women Police Station, District Sangrur (Annexure P-1) along with all the subsequent proceedings arising therefrom.



2. The translated version of the FIR is reproduced below:-

“That one order no. PGD 177954 from Hon'ble SSP Sahib Sangrur has been received through post for registration of FIR under section 498-A, 406 IPC on the application of Manpinder Kaur wife of Gagandeep Singh resident of Rorewala now daughter of Randeep Singh son of Ajaib Singh resident of Sangtiwala Tehsil Lehra District Sangrur against Gagandeep Singh Sarao son of Darshan Singh resident of Rorewala, contents of which are as under: To, Hon'ble SSP Sahib, Sangrur. Subject:-Application for taking action against 1) Gagandeep Singh Sarao son of Darshan Singh Mobile No.98145-45060, 2) Darshan Singh Sarao, Patwari Mobile No.98721-12828 son of Amar Singh, 3) Harbans Kaur Mobile No.94630-31828 wife of Darshan Singh resident of Rorewala P.S. Lehra Tehsil Lehra District Sangrur, 4) Hardeep Kaur Mobile No.97798-02402 wife of Modmahesh Jhinjan, 5) Modmahesh Jhinjan Mobile No.95929-13014 son of Harmail Singh resident of Khanaal Khurd Tehsil Dirba, 6) Sandeep Kaur Mobile No.97794-89554 wife of Avtar Singh resident of Samooran District Sangrur. Sir, application is as under:- 1) That I am Manpinder Kaur wife of Gagandeep Singh resident of Rorewala now daughter of Randeep Singh son of Ajaib Singh resident of Sangtiwala Tehsil Lehra District Sangrur and I am resident of abovesaid address. 2) That I had filed one application on dated 08.06.2023 before your officer which was marked vide UID application No.177954 to the Lehra Police Station in which Lehra Police called both the parties. I alongwith respectable persons of village Sangtiwala reached in the police station Lehra but only Gagandeep Singh Sarao and his father Darshan Singh Sarao on behalf of opposite party were reached in police station and remaining persons were not called. My statement was got recorded in the police station and I requested before all the persons present there that I am ready to live in my in-laws house but opposite party flatly refused to keep me. Police of police station Lehra did not took any hard action against the accused till date. Photocopy of application dated 08/06/2023 and photocopy of my statement which



was recorded in police station on dated 20/06/2023 are appended herewith. Thus, it is requested after submitting application that hard-to-hard action may kindly be taken against the above accused and justice may be delivered in my favour. I am still ready to live in my in-laws house. I shall be very thankful. Dated 10/07/2023, your faithfully. SD/ Manpinder Kaur wife of Gagandeep Singh resident of Rorewala now daughter of Randeep Singhson of Ajaib Singh resident of Sangtiwala Tehsil Lehra District Sangrur. 98765-41534, 81468-25226. On receipt of application, Hon'ble SSP Sahib Sangrur marked above application vide PGD-ID 177954 to Superintendent of Police (H) Sangrur then Hon'ble Superintendent of Police (H) Sangrur found from his enquiry that the marriage of applicant Manpinder Kaur daughter of Randeep Singh resident of Sangtiwala was fixed with Gagandeep Singh son of Darshan Singh resident of Rorewala and on fixing the marriage ring ceremony was performed at Hari Om Restaurant Dirba and marriage was performed on dated 24.11.2021 at Ghumman Palace Dirba. Apart from husband Gagandeep Singh Sarao in the in-laws family of applicant there are her mother-in-law Harbans Kaur and father-in-law Darshan Singh while Sister- in-laws Hardeep Kaur wife of Modmahesh Singh resident of Khanaal Khurd and Sandeep Kaur wife of Avtar Singh resident of Samran have been living their respective in-laws houses and they have been visiting in their parental house on some occasion. No issue was born to the applicant from this marriage. Applicant Manpinder Kaur recorded her statement that her father Randeep Singh gave cash, gold, costly cloths and jewellery to her in laws family on their demand. Apart from this she told that her father gave to the applicant daily use article as Istri Dhan, costly cloths on her marriage and stated that her father spent approximately Rs.60-65 Lakh on her marriage. Photocopies of Bills produced by the applicant are appended herewith. After marriage, Gagandeep Singh husband of applicant was not satisfied from the dowry articles given to his wife Manpinder Kaur applicant in the marriage and he started harassing the applicant for bringing more



dowry. In the year 2022 Gagandeep Singh Sarao husband of the applicant was appointed as a Ward Attendant in the health department then Gagandeep Singh above husband of Manpinder Kaur applicant due to the demand of dowry on dated 26.06.2022 he expelled the applicant Manpinder Kaur applicant from his house. Applicant Manpinder Kaur narrated about it to her father Randeep Singh through phone then her father Randeep Singh reached at her in-laws house and made talk to her in-laws family but Gagandeep Singh husband of Manpinder Kaur applicant refused to rehabilitate her in his house on which Randeep Singh father of Manpinder Kaur applicant took her with him at village Sangtiwala. Applicant has been living in her parental house since 26.06.2022 while her Istri Dhan has been used and misappropriated by her husband Gagandeep Singh. Applicant party many time talked with Gagandeep Singh Sarao husband of the applicant through respectable persons but Gagandeep Singh Sarao above did not become ready to rehabilitate his wife Manpinder Kaur applicant in his house. Due to failing to settle the dispute through Panchayat, applicant Manpinder Kaur filed application before you with the allegation of harassment on the pretext of demand of dowry against her husband Gagandeep Singh Sarao, mother- in-law Harbans Kaur, father-in-law Darshan Singh, Sister-in- law Hardeep Kaur, brother-in-law Modmahesh Singh and sister-in-law Sandeep Kaur which was marked to SHO P.S. Lehra. From the enquiry of application conducted by SHO P.S. Lehra it was found that there is no truth in the allegations of harassment on the pretext of demand of dowry mentioned in the application and the SHO P.S. Lehra filed his enquiry report before Head Office of DSP sub-division Lehra with the directions to both the parties to take recourse through court. That applicant Manpinder Kaur now again repeated her circumstance by application after appearing before you which was marked to the under signatory for required action and report alongwith earlier enquiry conducted on the applications. I found from my enquiry that the marriage of applicant Manpinder Kaur daughter



of Randeep Singh resident of Sangtiwala was solemnized on dated 24.11.2021 with Gagandeep Singh Sarao son of Darshan Singh resident of Rorewala at Ghumman Palace at Dirba. Apart from the applicant Manpinder Singh there are Gagandeep Singh Sarao her husband, mother-in-law Harbans Kaur and father-in-law Darshan Singh living while sisters-in-law of the applicant Hardeep Kaur and Sandeep Kaur are married and are living in their respective in-laws houses. Randeep Singh father of applicant Manpinder Kaur gave cash and gold jewellery to the in-laws family of the applicant as per their demand. Randeep Singh father of the girl purchased gold at the time of marriage regarding which applicant party produced copies of Bills which are appended herewith while at the time of Shagan Boy Gagandeep Sarao received cash regarding which Ex. Sarpanch of village Sangtiwala namely Amrik Singh verified through his statement who was went with the applicant party. Apart from it, father of applicant gave daily uses articles to the applicant as Istri Dhan. After marriage, Gagandeep Singh Sarao husband of applicant Manpinder Kaur got job of Ward Attendant in health department due to Gagandeep Singh Sarao husband of applicant Manpinder Kaur started harassing her to bring more dowry and on dated 26.06.2022 he expelled her from his house since then applicant Manpinder Singh has been living in her parental house. Respectable persons talked with both the parties for settlement but same was failed and the party of boy refused to rehabilitate the girl Manpinder Kaur in their house on which applicant Manpinder Kaur moved application by levelling the allegations of harassment against Mother-in-law Harbans Kaur, father-in-law Darshan Singh, sisters-in-law Hardeep Kaur and Sandeep Kaur and brother- in-law Modmahesh Singh apart from her husband. Hardeep Kaur and Sandeep Kaur i.e. Sisters-in-law of applicant Manpinder Kaur are married and have been living in their respective in-laws houses. From the enquiry till now nothing has been came on record regarding harassment on the pretext of demand of dowry by sisters-in-laws of applicant or mother- in-law Harbans Kaur



and father-in-law Darshan Singh. I am not agreed with the enquiry conducted by SHO P.S. Lehra/DSP Sub-Division Lehra. It is found from my enquiry that Gagandeep Singh Sarao husband of the applicant Manpinder Kaur harassing her for bringing more dowry and he misappropriating the Istri Dhan of applicant by keeping the same in his possession. If approved, then SHO P.S. Lehra be ordered to register FIR under section 498-A, 406 IPC against Gagandeep Singh Sarao son of Darshan Singh resident of Rorewala and to conduct the investigation. Report is submitted SD/- Superintendent of Police (H) Sangrur. Above application after enquiry was sent by SP (H) Sangrur to Hon'ble SSP Sangrur vide No.163/P/R/SP (H) dated 24.08.2023 on which Hon'ble SSP Sahib Sangrur written that "SHO Women SGR to register FIR and take up the further investigation as per law" SD/- SSP Sangrur dated 29.08.2023 on receipt of order FIR above against above Gagandeep Singh Sarao under above offence has been registered and same was entered in the record. Information has been forwarded to the Incharge Control Room through Email massage. Special reports have been forwarded through Lady Constable Damanpreet Kaur 1789/SANG to the Illaqa Magistrate Sahib and Higher Officials. FIR alongwith original application is handed over to HC Gurmandeep Singh 1282/SANG.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is husband of the complainant, who has been falsely implicated in the above mentioned FIR. From the perusal of the FIR, it is apparent that the alleged incident is dated 26.06.2022, on which day the petitioner was not present in his house but was on election duty approximately 80 Kilometers from his house. On the said date the complainant was already at her parental home as is evident from the whatsapp chats (Annexure P-4). He further submits that no specific allegations of harassment and beating are made against the petitioner which can be



corroborated by way of any evidence. Nowhere in the FIR is it mentioned as to what harassment the complainant faced or when she was subjected to beatings by the petitioner and his family. It is only general allegations that which cannot be made the basis to incriminate the petitioner and his entire family as per the settled proposition of law.

4. Per contra, learned counsel for respondent No.2 submits that the marriage of respondent No.2 was solemnized with the petitioner on 24.11.2021 and a lot of jewellery and other costly items were given to her in laws on their specific demands. However, soon after marriage she started facing harassment at the hands of the petitioner and his family for the demand of more dowry, because of which she was even ousted from the matrimonial home on 26.06.2022. a complaint in that regard was moved by the petitioner, and it was decided that the petitioner and his family would re-habilitate her. However, they failed to do so, leaving respondent No.2 with no option but to move the present FIR.

5. Learned State counsel, which relying on the contents of reply filed by way of affidavit of DSP, PBI, Crime against Women and Children, Sangrur dated 20.01.2025 submits that the present FIR was registered against the petitioner on the basis of the application moved by respondent No.2. After conducting a thorough inquiry in the complaint it was found that respondent No.2 was being harassed by the petitioner to bring more dowry and he also had in his possession the *istridhan* of respondent No.2. It was thereafter, that the present FIR was registered against the petitioner. Learned counsel submits that the allegations levelled against the petitioner stand duly substantiated and therefore, the present FIR may be kept alive in order to unearth the true dimensions of the alleged offences.

6. Vide order dated 23.01.2025, the parties were directed to appear



before the Mediation and Conciliation Centre of this Court, however, despite the best efforts, the parties could not arrive at an amicable settlement and the case has been sent back to his Court as unsettled.

7. Heard the rival submissions made by learned counsel for the parties.

8. The principles governing quashing of FIRs and criminal proceedings were summed up by the Hon'ble Supreme Court in case of ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra, (2021) 19 SCC 401*** after analysing catena of judicial precedents. The relevant observations of the decision are extracted hereunder:

“13. From the aforesaid decisions of this Court, right from the decision of the Privy Council in the case of Khawaja Nazir Ahmad, the following principles of law emerge:

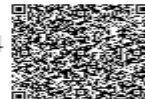
13.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences;

13.2. Courts would not thwart any investigation into the cognizable offences;

13.3. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;

13.4. The power of quashing should be exercised sparingly with circumspection, in the ‘rarest of rare cases’. (The rarest of rare cases standard in its application for quashing under Section 482 Cr. P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court);

13.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;



13.6. Criminal proceedings ought not to be scuttled at the initial stage;

13.7. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

13.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the abuse of the process by Section 482 Cr. P.C.

13.9. The functions of the judiciary and the police are complementary, not overlapping;

13.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

13.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

13.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

13.13. The power under Section 482 Cr. P.C. is very wide, but conferment of wide power requires the court to be cautious. It casts an onerous and more diligent duty on the court;



13.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the selfrestraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint; and

13.15. When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr. P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.”

9. In a judgment titled as ***State of Uttar Pradesh & Anr. vs. Akhil Sharda & Ors. 2022(3) RCR (Criminal) 841*** the Hon’ble Supreme Court has held as under:-

“7. Having gone through the impugned judgment and order passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482 Cr.P.C., it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482 Cr.P.C. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482 Cr.P.C. jurisdiction and at the stage of deciding the application under Section 482 Cr.P.C., the High Court cannot get into appreciation of evidence of the particular case being considered.”

10. In a judgment titled as ***Chilakamarthi Venkateshwarlu & Anr. vs. State of Andhra Pradesh & Anr., AIR 2019 SC 3913***, the Hon’ble Supreme Court has held as under:-

“15. In exercising jurisdiction under Section 482 it is not permissible



for the Court to act as if it were a trial Court. The Court is only to be prima facie satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate materials and documents on record, but it cannot appreciate the evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

*16. The High Court should not, in exercise of jurisdiction under Section 482, embark upon an enquiry into whether the evidence is reliable or not, or whether on a reasonable appreciation of the evidence the allegations are not sustainable, for this is the function of the trial Judge. This proposition finds support from the judgment of this Court in **Zandu Pharmaceutical Works Ltd. and Ors. v. Mohd. Sharful Haque and Another, 2004(4) RCR (Criminal) 937: (2005) 1 SCC 122.**”*

11. The Hon'ble Supreme Court, in judgments rendered in **Akhil Sharda (supra)** and **Chilakamarthi Venkateshwarlu (supra)**, has held that while exercising jurisdiction under Section 482 of the Cr.P.C. (now Section 528 of BNSS, 2023), the High Court is not required to assess the sufficiency or reliability of the evidence. The High Court, in considering a quashing petition, should not ordinarily delve into the nature, reliability, or sufficiency of the prosecution's evidence presented during the trial. Such an undertaking would be akin to conducting a mini-trial, which is an undesirable and avoidable course of action.

12. Accordingly, guided by principles laid down by the Hon'ble Supreme Court (supra), this Court is of the considered opinion that the FIR prima facie discloses the commission of cognizable offences by the petitioner. Trite to say that a “mini trial” is not supposed to be conducted at this stage. It is also not a case where the petitioner has been able to prove that non interference by this Court would lead to miscarriage of justice. Even otherwise, in the present case, challan stands presented against the petitioner. As such, this Court is not inclined to quash



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the proceedings pending against the petitioner, who would have a fair opportunity to present his case and if found innocent, would be given acquittal, as the case may be, by the trial Court.

13. Thus, in view of the forgoing discussion, the present petition is dismissed. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

14. Pending application(s) if any, stands disposed of.

22.05.2025

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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No