



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

**CRM-M-38567-2025 (O&M)**

Reserved on: November 07, 2025  
Date of decision/pronouncement: December 17, 2025  
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**GURPREET SINGH**

.....Petitioner

Versus

**UNION TERRITORY OF CHANDIGARH AND ANOTHER**

.....Respondents

Present: Mr. Gautam Dutt, Senior Advocate with  
Mr. Shahzad Singh Teji, Advocate and  
Mr. Farhad Kohli, Advocate for the applicant/petitioner.

Mr. Ajay Kumar Lamdharia, Addl. P.P. U.T., Chandigarh.

Mr. Sunil Chadha, Sr. Advocate with Ms. Devyani Sharma,  
Advocate and Mr. Gurjant Singh Swaich, Advocate for respondent  
no.2.

**CORAM : HON'BLE MR. JUSTICE ALOK JAIN**

**ALOK JAIN, J.**

1. The present petition has been filed under section 528 of BNSS, 2023 *inter alia* seeking quashing of FIR No.27 dated 07.05.2023 registered at Women Police Station, Sector-17, Chandigarh, District Chandigarh under Sections 406 and 498-A Indian Penal Code, as well as challan filed under Section 193 of the BNSS, 2023 by the prosecution and subsequent proceeding arising there from, qua petitioner.

2. The factual matrix as narrated by the learned Senior counsel for the petitioner is that on 16.01.2022 petitioner was married to the daughter (since deceased and hereinafter referred to as "wife") of respondent no. 2/complainant. On account of the wife's inability to consummate the marriage, she willfully left

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the company of the petitioner on 14.11.2022. The said fact is also apparent from the WhatsApp conversation exchanged between the petitioner and his wife, wherein both expressed their intention to obtain a decree of divorce by mutual consent. However, before any step could be taken toward that course, the wife suffered certain health issues, due to which she was admitted to hospital on 24.03.2023. At this point, it has been emphasized that these above-said health issues were not on account of any harassment or cruelty by the petitioner. Unfortunately, in the meantime, when the wife was in hospital, her condition deteriorated despite medical intervention, and after battling with the medical exigencies she passed away on 06.04.2023. It is pointed out that throughout this period, the petitioner remained unaware of his wife's serious illness and subsequent demise, as his in-laws did not inform him of the situation and he came to know about the same through his colleague. After the demise of the wife, the petitioner informed the police authorities that he had been threatened. The complainant initially gave the statement that no action needs to be taken but subsequently got lodged the present FIR in question and accordingly challan was presented before the learned trial court on 30.04.2024. Hence this petition.

3. Notice of motion was issued on 21.07.2025 and the complainant has put in appearance. Both the State and respondent no.2 have filed replies and addressed arguments.

4. Learned Senior counsel for the petitioner opened his arguments by submitting that there is a huge delay in lodging the FIR, as the wife passed away due to her medical condition on 06.04.2023. However, the complaint was lodged by the complainant on 12.04.2023, only with regard to the allegation harassment of wife for demand of dowry. After investigation, FIR was registered on 07.05.2023, and the challan was presented on 30.04.2024. Learned

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Senior counsel further submitted that as per the medical record the wife was suffering from 'super refractory status epilepticus'. Learned Senior counsel vehemently submitted that the wife remained admitted in the Max Hospital for 13 days, before she left for her heavenly abode, but the complainant, who is the mother-in-law of the present petitioner, never informed the petitioner about the deteriorating health condition of his wife (since deceased), despite the petitioner being a doctor himself. In fact, the petitioner came to know about the demise of his wife only through his colleague. Learned Senior counsel also submitted that the petitioner attended the cremation as well as *antim ardas* of his wife, but on the very next day, he was allegedly threatened by the complainant, and the same was immediately reported by the petitioner to the SHO on 07.04.2023. Learned Senior counsel also relied upon the WhatsApp chat between the petitioner and the wife (Annexure- P-5), and pointed out that there was nothing which could demonstrate that there was any sort of cruelty during the period of ten months when the parties had lived together.

5. The learned Senior counsel for the petitioner has emphatically relied upon certain WhatsApp messages exchanged between the petitioner and the wife (deceased) while they were living separately, wherein it is evident that both were discussing for seeking divorce by mutual consent and the relevant extract of the transcripts is read as below: -

***Yatinder S:*** Yes

***Gurpreet S:*** We should be on the same pace. We both want the same thing and our peace is in living separately as simple as that. It may even take a year, six months and may be two years.

***Yatinder S:*** Exactly

***Gurpreet S:*** I don't know

***Yatinder S:*** Yes Exactly It should not take more as you are telling that it is possible in two months

***Gurpreet S:*** Yes

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***Yatinder S:*** But the thing is

***Gurpreet S:*** Yes I am telling you that it should not be inhuman as you also say the same thing. We also don't have illegal money to give.

***Yatinder S:*** Gurpreet I promise you if my parents ask 10 more than I will give you by my own

***Gurpreet S:*** I am telling you

***Yatinder S:*** I am telling you please

***Gurpreet S:*** You better know my financial condition. I have already told you.

***Yatinder S:*** And I will be honest and you would have come to know in eleven months that neither my mom is selfish nor am I. I hope you know that.

***Gurpreet S:*** Yes I know that. I know that. That's why I am talking to you upfront

***Yatinder S:*** I will also try to help even if mom will ask for extra three lakhs then I will say to mom that don't do this. Might be I am liar but I won't grab anyone's hard-earned money like this which might not have been happily given by someone. I know there are trust issues between us but neither I am selfish and nor I am having any intention to loot you. I am also frustrated and annoyed as you are. I understand this that what was spent that will be asked for and in that not even two lakhs will be extra from my side. Okay.

***Gurpreet S:*** Okay

***Yatinder S:*** You have to believe me on this thing

***Gurpreet S:*** ok

***Yatinder S:*** It's not like that normally we hear from people that some even demand of crores.

***Gurpreet S:*** In that case Yatinder it's like sometime the person is defaulter or otherwise they see the financial condition.. how much they have

***Yatinder S:*** Gurpreet I don't know this in detail. I have studied law but it is not that I have studied only divorce.

***Gurpreet S:*** Yes I am only saying that we have decided it mutually

***Yatinder S:*** I have told you long time ago earlier that mom talked to me that the expenses of marriage what we have spent and your expenses will also be considered and after calculating mutually it will be decided

***Gurpreet S.:*** Yes

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*Yatinder S. In that case no one will listen to us your mom dad will sit and all respectables will decide. Rather they will say you were not able to settle your life in eleven months and now for alimony you are together. But we have to be very calm which is not there in both of us. For that calmness we have to be silent. We cannot afford this negativity daily and we both have to understand this and have patience.*

6. Learned Senior counsel for the petitioner submits that the present FIR deserves to be quashed only on account of shady investigation, as the petitioner had submitted the entire WhatsApp communication between him and his wife along with the certificate under Section 65-B of the Indian Evidence Act, however, despite the same, the investigating agency completely ignored the said evidence to correctly reach to any conclusion. Even the challan presented before the learned Trial Court, does not show any consideration to the primary material related to the case. **Moreover, no objection was ever raised regarding the authenticity of the above-mentioned chats.**

7. To substantiate his arguments, learned Senior counsel for the petitioner, has relied upon the judgments passed by the Hon'ble Supreme Court in the case of *Geddam Jhansi and Another Versus State of Telangana and Others* [2025 SCC OnLine SC 263] and *Shobhit Kumar Mittal Versus State of Uttar Pradesh and Another* [2025 livelaw(SC) 945] whereby it was held that the criminal cases arising out of matrimonial disputes have to be scrutinized with great care, taking into account pragmatic realities. It is further held that the courts have to be careful and cautious while dealing with such complaints and the allegations and circumspection in order to prevent miscarriage of justice and abuse of process of law. General allegations of harassment without pointing out any specific details would not be sufficient to continue criminal proceeding against any person.



8. Learned Senior counsel while concluding his arguments submitted that the charges have yet not been framed and continuity of the proceedings before the trial court would only be a futile exercise in the absence of any cogent or convincing evidence against the petitioner and thus prayed for quashing of the present FIR as well as subsequent proceedings arising therefrom.

9. *Per contra*, Learned Senior counsel for respondent no. 2/complainant submitted that the complainant had lost her young daughter on account of the harassment, humiliation and demand of dowry made by the petitioner. The complainant and the prosecution will prove the same by leading cogent evidence. It is further submitted that the wife was subjected to harassment and was not even permitted to enter the matrimonial house. Moreover, the wife was forced to return back to her parental house. Learned Senior counsel for the respondent no. 2/complainant further contended that the petitioner had raised a dowry demand of Rs.50 lakhs, as he intended to establish his own hospital and respondent no.2/complainant was compelled to sell her land to pay an amount of Rs.10 lakhs to the petitioner. However, despite fulfilling the demands according to the capacity of respondent no. 2/complainant, her daughter was subjected to severe maltreatment, which ultimately led to her demise. It is submitted by the learned Senior counsel that respondent no.2/complainant had incurred huge amount of approximately Rs.14 lakh on the treatment of wife and for which she has sought reimbursement of the medical expenses, however, despite that, the petitioner knowing the fact that the medical expenses were borne by the complainant, had objected to the release of all the dues to the respondent no.2/complainant by writing a letter dated 30.06.2023. In furtherance to the above averments, learned Senior counsel



for respondent no.2/complainant has laid emphasis on Annexure R-2/1 and submits that the conduct and *mens rea* of the petitioner is clearly reflected from the same. Hence, the ingredients of Section 406 and 498-A are fully complied with.

10. Learned Senior counsel appearing for respondent no. 2/complainant has also taken the Court through Annexures P-12 & P-13 to point out that action had been taken by the complainant on the very date of death of the complainant's daughter. Learned Senior counsel further submitted that there exists a contradiction in the medical records *qua* the cause of death. According to the death summary issued by the Max hospital, the cause of death is recorded as "*sepsis with septic shock*" whereas in the final report, cause of death is mentioned as "*Lobar Pneumonia*", a natural cause. It is submitted that the said anomaly goes to the root of the matter, as the actual cause of death would require determination.

11. As regards to the arguments of inordinate delay in lodging the complaint and the FIR is concerned, Learned Senior counsel for respondent no. 2/complainant submitted that the complainant had informed the police on the very date of daughter's demise. It is further submitted that considering the sudden death of her young daughter and the emotional trauma suffered by the complainant, the delay cannot be viewed adversely. It is further emphasized that, after the cremation, when the complainant regained composure, she immediately lodged the complaint. *Dehors* the above, the delay in registering of FIR is neither fatal nor does it entitle the petitioner to derive any benefit, particularly in a case of alleging dowry related cruelty. Learned counsel for respondent no.2/complainant put heavy reliance upon para no.8 of the reply filed by respondent no.2 wherein specific rebuttal has been made to the

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averments contained in para no.4 of the present petition which is reads as under:-

*“8. That the petitioner has summed up his whole alleged case in paragraph no. 4 of the petition under reply in as much as, all the grounds on the basis of which the petitioner has sought quashing of the FIR (Annexure P-1) as well as the challan (Annexure P-2) are stated in the said paragraph. Rest of the averments made in the petition under reply are just the repetition of the grounds stated in said paragraph no. 4 of the petition under reply. Therefore, in order to avoid repetition, suffice is to submit reply to the contents of paragraph no. 4 of the petition under reply and the same reads thus:*

*4. That the contents of paragraph no. 4 of the petition under reply are wrong and denied. It is absolutely wrong to state that there is not even an iota of truth in the allegations of cruelty which have been levelled against the petitioner in the FIR (Annexure P-1). It is further wrong to state that the FIR (Annexure P-1) is nothing but an abuse of the process of the law. With regard to the averment that the police refused to register the FIR, suffice is to state that the alleged inquest report dated 24.11.2023 (Annexure P.17) of the deceased came to be submitted after a period of more than seven and half month from the date of death of the deceased and the same is based upon the alleged final opinion dated 02.11.2023 (Annexure P-16), which itself is after a time gap of almost seven months from the date of death of the deceased and still further, the said report dated 02.11.2023 is not in sync with the cause of death mentioned in the death summary dated 06.04.2023 (Annexure P-7). The deceased had not been living separately from the petitioner or her in-laws out of her own choice and rather she was forced to leave her matrimonial home on account of not meeting with the illegal demand of dowry of the petitioner and his parents. It is further wrong to state that the*

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*petitioner and the deceased were planning to file a divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. **The deceased, who was otherwise absolutely medically fit before being admitted to the hospital on 24.03.2023, and was having no health issues earlier, after being told that either she and her widow mother i.e. the complainant/answering respondent have to meet the demand of dowry else she will have to settle for divorce, the deceased suffered huge mental trauma from which she could never recover and ultimately died on 06.04.2023.** In case, both the parties had agreed to take mutual divorce, as is being sought to be alleged/projected by the petitioner, there was no reason for the petitioner and his family not to attend the last rites of the paternal grandmother of the deceased. who passed away on 21.11.2022, and thereafter not to visit the hospital even once where the deceased herself remained lying admitted from 24.03.2023 till 06.04.2023 It is absolutely wrong to state that the marriage between the petitioner and the deceased was never consummated during the period of ten months during which they lived together. Period of eleven months after marriage was too short a period for filing any complaint with the police regarding the demand of dowry, especially when the mother of the deceased herself is a widow and she (complainant) as well as her deceased daughter were trying for an amicable solution so that the deceased could be happily rehabilitated in her matrimonial home. Answering respondent /complainant even paid an amount of Rs. 10 Lakhs to the petitioner and his parents for satisfying their lust/demand of dowry/money. It is absolutely wrong to state that the petitioner got the FIR (Annexure P-1) registered after a month. In fact, on the very next day of the deceased having died on 06.04.2023, answering respondent got lodged the complaint with the police on 07.04.2023, which resulted into the registration of DDR No. 39 dated 07.04.2023.*

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*In this view of the matter, it is absolutely wrong to state that the registration of the FIR (Annexure P-1) and the challan (Annexure P-2) is nothing but an abuse of the process of the law. It is worth mentioning here that once the answering respondent no. 2/complainant applied to the Cooperative Department, Punjab for the release of service benefits and medical reimbursement of dues of her deceased daughter, petitioner herein objected to the same by alleging that he is the only legal heir of the deceased being her husband, which act of his shows his greed for money. The objection dated 30.06.2023 (ANNEXURE R-2/1) raised by the petitioner to the release of aforesaid monetary benefits to the answering respondent no. 2/complainant finds mention in the letter no. 1906 dated 17.12.2024 (ANNEXURE R-2/2) addressed by the office of Assistant Registrar, Cooperative Societies. Kharar to the answering respondent no. 2.”*

12. Learned Senior counsel for respondent no.2/complainant has relied upon the judgments passed by the Hon'ble Supreme Court in the case of ***Munshiram Versus State of Rajasthan*** [2018(4) JT 136] and ***Central Bureau of Investigation Versus Arvind Khanna*** [2019 (156) SCL798] wherein it has repeatedly been held that the High Court must not quash an FIR under Section 482 Cr.P.C when the allegations require factual investigation, particularly concerning the mental state of the deceased or surrounding circumstances. Since essential aspects in the present case remain to be investigated, quashing at the threshold would be improper. Further the reliance has been passed on the judgments passed by this Hon'ble High Court in the case of ***Anupama Singla and anothers Versus Rubesh*** [CRM-M-51028-2023] and ***Ramesh Chandar Shivhare Versus State of Punjab and Another*** [CRM-M-3004-2023], wherein the issue with regard to the admissibility of WhatsApp messenger's chat was considered and it was held that it is the sole prerogative of the learned Trial



Court to determine the same at an appropriate stage, after examining the evidence so adduced before it and any interference by this court with regard to the disputed factual questions is impermissible in law.

13. Lastly, the Learned Senior counsel for respondent no.2/complainant argued that the petitioner's heavy reliance on the WhatsApp conversation between the petitioner and the wife cannot be taken into consideration at this stage in the absence of the mandatory certificate under Section 65-B of Indian Evidence Act (corresponding Section 63 of BNSS). In the absence of any such certificate, the chats remain inadmissible at this stage, and at the best, the petitioner may rely upon the above said documents in his defence, before the Trial Court. Learned Senior counsel submitted that so far as the exercise of power under Section 528 of the BNSS is concerned, such inadmissible evidences cannot be considered and relied upon.

14. At this stage, Learned Senior counsel for the petitioner in rebuttal to the above arguments with regard to non-compliance of Section 65-B of Indian Evidence Act submitted that the WhatsApp chats were duly provided to the investigating agency along with the mandatory certificate during investigation. Even earlier also, when the petitioner had approached this Court seeking grant of anticipatory bail, neither did the investigating agency nor the complainant had raised any hue and cry with regard to the veracity of the said communication before this Court and the petitioner was granted Anticipatory Bail vide order 20.08.2024. Learned counsel submitted that even in the challan presented before the Trial Court it has not been objected by the prosecution that the WhatsApp Chats were not supported by the mandatory certificate. Although, it was the duty of the prosecution to have looked into such technicalities,



nevertheless, there was no denial or objection to the authenticity of these communications even by the complainant as well.

15. Learned State counsel also submitted on the same lines as that of the Learned Senior counsel for respondent no.2/complainant and has summarized the arguments by submitting that the High Court cannot run a mini trial while exercising its power under Section 528 of the BNSS (corresponding Section 482 Cr.PC). Moreover, the parties have to lead evidence which will be tested by the trial Court at an appropriate stage. Hence, in light of the fact that the present petition involves disputed questions of facts which are to be determined before the learned Trial Court, the present petition seeking quashing of the FIR falling short of any merit and the same deserves to be dismissed.

16. Heard learned Senior counsels for the parties as well as learned State Counsel and perused the record. No other argument has been advanced by the parties and therefore the issues which needs to be adjudicated in the present petition are as follows:

- I. **Whether the allegations contained in the FIR, if taken at their face value and accepted in their entirety, disclose that the prima-facie ingredients constituting the offences punishable under Sections 406 and 498-A of the Indian Penal Code are made out?**
- II. **Whether, in the facts and circumstances of the case, continuation of criminal proceedings would amount to an abuse of the process of law, thereby entitling the petitioner to the relief of quashing of the FIR and all consequential proceedings under Section 528 of the BNSS (corresponding Section 482 Cr.P.C)?**

17. Before advertng to the factual matrix, it is apposite to reproduce the statutory provisions contained under Section 406 and 498-A of the Indian Penal Code, which are necessary to adjudicate on the first issue, and the same be read as under: -



***Section 406- Punishment for criminal breach of trust:*** *Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.*

***Section 498A- Husband or relative of husband of a woman subjecting her to cruelty:*** *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

***Explanation—****For the purposes of this section, “cruelty” means—*

a. *any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*

b. *harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]”*

18. The basic and essential ingredients of Section 498-A of IPC are that, the women must have been subjected to “cruelty”, which can either be, by way of wilful behaviour, so grave that, it endangers the woman’s life, causes serious harm to her physical or mental health, or is of such a nature, that could drive her to commit suicide; and Secondly, the harassment must have been done with an intent to pressurize the woman or her family to fulfil unlawful demands for property or valuable security. Therefore, there must be some identifiable unlawful demands and acts of cruelty which clearly linked the instances of harassment for non-fulfilment of those unlawful demands, and Section 406 of IPC applies only when entrustment, dominion over the property, and dishonest misappropriation thereby, are alleged.

19. From the perusal of the record there is nothing in the FIR or in the challan which could demonstrate that the wife was subjected to any cruelty, much less on non-fulfilment on account of any demand of dowry. The



allegations *qua* the demand of Rs.50 lakhs by the petitioner from the respondent no.2/complainant and alleged payment of Rs.10 lakhs to the petitioner were not even substantiated by any specific date, time or place, much less any corroborating document. Furthermore, the investigation authorities have failed to examine that whether the alleged transfer of Rs.5 lakh by the respondent no. 2/complainant in the account of her own daughter (deceased wife) was ever demanded by the petitioner or had he ever got the said money transferred into his account.

20. Furthermore, the material fact, which requires consideration of this court is the WhatsApp conversation (chats) between the petitioner and his wife, which clearly demonstrates the actual reason behind their separation. In fact, in the said-chats, the wife herself expressed her distress and guilt over her inability to consummate the marriage. The perusal of the chats clearly demonstrates that the petitioner, being a matured and understanding husband consistently assuring and emotionally supporting his wife and even made her understand that, the relationship between husband and wife is much more than the physical intimacy. The messages apparently reflect that the petitioner harbored no regrets with regard to the non-consummation of their marriage. Nonetheless, the conversation not only shows the intellectual maturity of the petitioner but also reveals the emotional bond shared by the spouses, negating any inference of harassment or cruelty.

21. It is apposite to discuss another significant aspect emerging from the WhatsApp chats exchanged between the petitioner and his wife, wherein she explicitly acknowledged her mother's temperament and clearly conveyed that, even if her mother (the present respondent no. 2/complainant) demanded additional money to facilitate a mutual separation, the petitioner should make



the initial payment, which wife would subsequently repay in due course of time. The said communication is material, as it demonstrates the deceased wife's own understanding of the situation and her intention to shield the petitioner from any unwarranted financial burden. Therefore, in this backdrop, the allegation regarding the demand for dowry loses much of its force.

22. Considering the *prima facie* allegations made in the FIR, then also, there is no specific date, time, place or much less any specific incident which could substantiate allegation of harassment on account of dowry demand and due to its non-payment. Moreover, so far as the allegation of demand of Rs.10 lakhs by the petitioner for establishment of own hospital/clinic is concerned, it is pertinent to observe that the petitioner is an Anaesthetist by profession. His work inherently requires him to attend multiple hospitals and operation theatres for performing his professional duties and therefore, in such circumstances, the allegation that he demanded dowry for setting up a hospital of his own does not inspire much confidence, as an Anaesthetist, the petitioner has no clinical functions, which would necessitate establishment of an independent clinic/hospital.

23. Apart from the above, the perusal of medical record of wife shows that, the wife was admitted to the hospital on 24.03.2023 and unfortunately, she passed away on 06.04.2023 i.e., almost after 13 days of hospitalization. The Postmortem Report when read in conjunction with the subsequent FSL Report, clearly demonstrate that no poison was detected in the body of the wife and the cause of death was "*Lobar Pneumonia*", which is a natural cause. Therefore, from medical perspective also, there is nothing, which could show that the wife was subjected to cruelty and her condition or health deteriorated due to the alleged cruelty. On the contrary, it is also relevant to consider that despite



petitioner being a doctor by profession, he was never been informed about the deteriorating health condition of his wife, and the said fact was not even denied by the learned counsel for the respondent no. 2/complainant.

24. So far as the provision of Section 406 of IPC is concerned, the perusal of the FIR reflects that except the vague allegations that “gold articles were given,” no list or particulars were ever provided at any stage by the respondent no. 2/complainant, nor does the challan contain any material showing that any property was entrusted or misappropriated by the petitioner. Rather, the record indicates that all belongings of the deceased wife had already been returned by the petitioner. Therefore, in the absence of material particulars of entrustment or dishonest intention, *prima facie* there is nothing which could attract the provision of Section 406 Indian Penal Code.

25. The forgoing discussion with regard to the circumstances assume significance, as this court is of the firm view that even if the allegations are accepted to be true, then also, the same do not confirm to the essential ingredients of the offence punishable under Section 498-A and 406 of IPC. This Court finds that the allegations contained in the FIR are not only vague but also bereft of particulars and moreover the challan also, fails to point to any act of wilful conduct or harassment inflicted by the petitioner that could satisfy the statutory definition of “cruelty”. There is not even any medical record or other document which could *prima facie* shows that the health of the wife deteriorated due to the alleged harassment or cruelty by the petitioner. Equally, the record does not contain any material particulars of entrustment or dishonest misappropriation necessary to constitute criminal breach of trust.

26. It is settled principle of law that in order to constitute an offence under section 498-A IPC, the allegations must disclose specific instances

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supported by particulars with regard to the date, time, and place of alleged harassment or cruelty. The Hon'ble Supreme Court has consistently held that that criminal law cannot be permitted to operate on vague, omnibus, or inherently improbable allegations in matrimonial disputes, and that continuation of proceedings in such cases would itself cause injustice. The present FIR and the challan fail to satisfy the foundation requirements to attract the ingredients of Section 498-A and Section 406 of IPC. Moreover, the material on record reflects that petitioner had always lived with integrity and who had always loved and cared his wife.

27. Moving to the second issue framed by this Court, it has been observed that the FIR was lodged only after the death of the wife with a delay of six days, though not fatal *per se*, however it remained unexplained by the respondent no.2/complainant as to why the alleged harassment/cruelty on account of demand of dowry was never reported during the life time of the deceased-wife when she had returned to her parental home and started residing there much before the hospitalization. This delay assumes significance in the backdrop of the admitted facts that the petitioner and the deceased were married on 16.01.2022, and that the daughter of the respondent no. 2/complainant returned to her parental home on **14.11.2022**. During this entire period, not a single incident was ever reported to the police authorities regarding any alleged demand of dowry or harassment. Furthermore, the record does not reveal even a single communication or any effort made on the part of the respondent no. 2/complainant to engage with the parents of the petitioner to ascertain the reasons for the couple's separation. Upon perusal of the material placed on record, it appears plausible that the deceased may have disclosed to the respondent no. 2/complainant, her inability to consummate the marriage, and



since no dispute had arisen that could have been addressed in the public domain, there existed no reason for the respondent no. 2/complainant to move any complaint against the petitioner at an earlier point in time. The mere fact that the spouses were contemplating divorce or that the marriage was strained cannot, be construed as evidence of cruelty or culpability for the medical condition or death of the deceased. Nonetheless, as per the final medical opinion and FSL report, the cause of death of petitioner wife was “Lobar Pneumonia,” which is a natural cause, and there is an absence of any material linking the petitioner to the illness or treatment.

28. Further, the WhatsApp chats clearly reflect the respondent no.2/complainant’s temperament and the wife (since deceased) efforts to protect the petitioner from financial burden while moving ahead for mutual separation speaks voluminous. Moreover, the objection raised by the counsel for the respondent no. 2-complainant with regard to compliance of provision contained under section 65-B of the Evidence Act, does not contain much force for the reason that the same had already submitted by the petitioner before the investigation agency and the same was not disputed by the learned State Counsel. Moreover, the complainant had never objected to the content of the WhatsApp Chats at any point in time therefore, the non-filing of such certificate before this court is not prejudicial to any of the parties.

29. In furtherance to above discussion and to answer above-stated issue no. 2, it is necessary to reproduce the relevant extract of the recent judgment passed by the Hon’ble Supreme Court in the case of *Pardeep Kumar Kesarwani versus the State of Uttar Pradesh and Anothers (2025 SCC OnLine SC)*, whereby four-step test has been laid down, directing the High



Courts to consider while quashing the criminal case. The relevant extract is reproduced as under:

*“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:*

*(i) **Step one**, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?*

*(ii) **Step two**, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.*

*(iii) **Step three**, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?*

*(iv) **Step four**, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?*

*If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal – proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: Rajiv Thapar & Ors. v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]”*

30. Upon examining the present matter, through the prism of the arguments advanced and the material placed on record, it becomes evident that the present matter satisfies each constituent element of the four-step test laid down in the above-mentioned judgment for the following reasons:

a) *Firstly, the petitioner has placed reliance on the FSL Report (medical record) of the wife, wherein the cause of death is stated to be “Lobar Pneumonia”, a natural cause. The petitioner further relied upon the WhatsApp chats exchanged between him and his wife and which were also supplied by the petitioner along with the mandatory certificate to the investigating agency, which clearly reflects the positive, happy and understanding relationship, that both the petitioner and his*

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- wife had share and it is also reflected that both had mutually decided to seek a divorce and that their separation was not due to any cruelty. Moreover, the ingredients of these documents are not disputed by the counsel opposite and hence can be reliable.
- b) Secondly, it is apparent from the material on record that the general allegations without any particulars with regard to date, event or instance of cruelty have been made. At the same time the WhatsApp conversation showed contrary to the allegations levelled in the FIR and suggests that the both had mutually agreed to part their ways as the wife showed her inability to consummate the marriage and despite the fact that the petitioner had showed the emotional and intellectual maturity to handle such a situation by giving assurance to the wife with regard to the sacramental nature of the marriage much more than the physical intimacy. Nonetheless, the cause of death is natural and is unrelated to any alleged harassment or cruelty on account of demand of dowry and the allegations were levelled only after the death of the wife and there was no complaint or any effort by the complainant or her daughter at any earlier point in time with regard to such cruelty. Considering the record in its entirety the allegations levelled seem to be unfounded and without any basis.
- c) Furthermore, this court has to see as to whether the State or the complainant has disputed any documents so produced by the petitioner, then it has been observed by this court that apart from the objection with regard to requirement of Certificate under Section 65 B of Indian Evidence Act, the complainant or state had not raised any challenge to the ingredients and the authenticity of the WhatsApp conversation. There was no material from the prosecution side to show that the petitioner's evidence was doubtful or incorrect. In fact, the prosecution did not produce anything that contradicted the petitioner's version. Nor they offered any plausible explanation for withholding filing of complaints.
- d) Having considered the above, the Court assessed whether allowing the criminal proceedings to continue would serve any useful purpose. The Court noted the unexplained delay in lodging the FIR and the fact that it was registered only after the wife's death, despite the couple having lived separately for several months without any earlier complaint. The absence of foundational facts, coupled with the lack of material supporting the statutory ingredients of the alleged offences, further weakened the allegations contained in the FIR. The medical record ruled out any unnatural cause of death, and the WhatsApp chats showed no indication of cruelty at any stage. Rather, it is the petitioner who appears to have a legitimate grievance that respondent no. 2/complainant did not inform him about the deteriorating health condition of his wife. In these circumstances, permitting the proceedings to continue would not only result in subjecting the petitioner to an unwarranted criminal trial, when the basic elements of the alleged offences



*were entirely missing, but also undermine the fundamental principles that guide the criminal justice system.*

To conclude the above, the criminal law cannot be invoked as a matter of ritual or sentiment; it is a solemn process which must rest on specific, credible, and legally sustainable allegations. Where the factual substratum is missing and the evidentiary foundation is absent, the Court cannot permit the continuation of proceedings which would only be a burden on an individual without serving any justice. To permit such a prosecution to linger on would amount to transform the process of law into a tool of hardship rather than a vehicle for truth.

31. In light of the above discussion, the present petition is allowed and the FIR No.27 dated 07.05.2023 registered at Women Police Station, Sector-17, Chandigarh, District Chandigarh under Sections 406 and 498-A Indian Penal Code, as well as challan filed under Section 193 of the BNSS, 2023 by the prosecution and subsequent proceeding arising there from, are quashed qua petitioner.

32. Pending application(s), if any, also stands disposed of accordingly.

**17.12.2025**

*Deepak Patwal*

**(ALOK JAIN)  
JUDGE**

- |                                     |               |
|-------------------------------------|---------------|
| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i>        | <i>Yes/No</i> |