



CRM-M-8578-2020 and
CRM-M-8682-2020

- 1-

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

1. **CRM-M-8578-2020**
Reserved on: 02.02.2026
Pronounced on: 09.02.2026
Uploaded on: 09.02.2026

Jaswant Singh and another ...Petitioners

Versus

State of Punjab and another ...Respondents

2. **CRM-M-8682-2020**

Ranjit Singh and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present:- Mr. Jagjit Singh, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Angrej Singh, Advocate and

Mr. Madan Sandhu, Advocate for respondent No.2.

SHALINI SINGH NAGPAL, J.

This common order shall determine two petitions under Section 482 Cr.P.C., both praying for quashing of order dated 10.12.2019 of learned Additional Sessions Judge, Kapurthala vide which order of learned JMIC, Kapurthala dismissing an application under Section 319 Cr.P.C. to summon the petitioners as additional accused was reversed.

2. Learned counsel for the petitioners submits petitioners were the parents-in-law, brother-in-law and sister-in-law of respondent



**CRM-M-8578-2020 and
CRM-M-8682-2020**

- 2-

No.2. Marriage of respondent No.2 was solemnized with Daljit Singh on 07.09.2011. Both served as Teachers in Government School. After three months of marriage, dispute arose as respondent No.2 started pressurising her husband to live separately from the petitioners. Thereafter respondent No.2 and Daljit Singh shifted to Kapurthala in rented accommodation where they were blessed with a son. Thereafter in September, 2012 they shifted to Sultanpur Lodhi in rented accommodation and had been residing separately from the petitioners. Respondent No.2 left the company of her husband in August/September, 2013 and moved to her parental home. Despite all efforts, she refused to join the company of her husband. Thereafter, Daljit Singh filed an application to DSP Sultanpur Lodhi on 07.08.2014, besides a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Respondent No.2 also moved an application to the police. The applications were clubbed and inquiry conducted. The police found in the inquiry that the husband and wife were not compatible and the allegations of demand of dowry etc. were false.

3. Learned counsel further submits that FIR No.222 dated 04.12.2014, under Sections 498-A and 406 of IPC, Police Station Sultanpur Lodhi, District Kapurthala falsely registered against the petitioners and Daljit Singh. During investigation, only Daljit Singh was challaned and the petitioners were found innocent. After framing of charges, statement of respondent No.2 was recorded as PW-1



CRM-M-8578-2020 and
CRM-M-8682-2020

- 3-

wherein she levelled false and vague allegations against all family members including the petitioners. On application under Section 319 Cr.P.C. being filed, learned JMIC dismissed the same vide order dated 07.03.2019 correctly appreciating the evidence. In revision however, learned Additional Sessions Judge, Kapurthala reversed the order of learned Trial Court without appreciating the inquiry reports and statement recorded before the learned Trial Court. It is urged that impugned order of learned Additional Sessions Judge was not sustainable being against the spirit of the judgment in '**Hardeep Singh vs. State of Punjab & Ors.**', 2014(1) R.C.R.(Criminal) 623 and '**Bijendra Singh & Ors. Vs. State of Rajasthan**', 2017(3) R.C.R. (Criminal) 374.

4. It is been further argued that allegations levelled by respondent No.2 against the petitioners were vague, general and omnibus in nature and no order summoning the petitioners under Section 319 Cr.P.C., could have been passed. Learned counsel further submits that order dated 10.12.2019 of learned Additional Sessions Judge, Kapurthala, deserved to be quashed and set aside for the reason that the petitioners were never given opportunity of hearing and the said order was passed in violation of law laid down by Hon'ble Supreme Court in '**Manharibhai Muljibhai Kakadia and another vs. Shaileshbhai Mohanbhai Patel and others**' 2012(4) R.C.R. (Criminal) 689.



CRM-M-8578-2020 and
CRM-M-8682-2020

- 4-

5. Learned State counsel assisted by learned counsel for respondent No.2, supports impugned order dated 10.12.2019 of learned Additional Sessions Judge, Kapurthala, arguing that there were specific allegations against all the petitioners in statement of the complainant recorded during the course of trial and the revisional court committed no error in directing the Trial Court to summon the petitioners to face trial under Sections 406 and 498 with main accused Daljit Singh.

6. Heard.

7. Hon'ble Supreme Court in '**Jamin & Anr. Vs. State of Uttar Pradesh & Anr.**', 2025(3) SCc (Cri) 778 has observed as under:-

*"110. However, in the facts of the present case, the application under Section 319 was rejected by the Trial Court but the revision against such rejection was entertained by the High Court without allegedly putting the proposed accused to notice. Upon a careful perusal of the decision in **Yashodhan Singh** (supra), we are of the view that the right of hearing is not available to the proposed accused only in the first instance, that is only at the stage when the application is being heard for the first time.*

111. However, after the rejection of an application under Section 319, a right enures in favour of the proposed accused. Thereafter, if in exercise of revisional jurisdiction, the High Court is to pass an order which is prejudicial to the benefit which has enured in favour of the proposed accused, then the High Court is required to provide an opportunity of hearing to the proposed accused. This is also the mandate as



CRM-M-8578-2020 and
CRM-M-8682-2020

- 5-

contained in sub-section (2) of Section 401 of the CrPC.”

8. Impugned order dated 10.12.2019 of learned Additional Sessions Judge, Kapurthala vide which revision against order dated 07.03.2019 of learned JMIC, Kapurthala was allowed was passed without giving an opportunity of hearing to the petitioners and is liable to be quashed on this sole ground.

9. Vide order dated 28.02.2020, this Court directed the Trial Court to adjourn the case beyond the date fixed by this Court. It is informed that learned Trial Court has not proceeded further in the matter and the trial is halted on account of the order passed by this Court. The case pertains to the year 2014 and is more than 10 years old. It would, therefore, not be in the interest of justice to only set aside the impugned order and direct the court of learned Additional District and Sessions Judge, Kapurthala, to decide the revision afresh after impleading the petitioners as respondents. The merits of the revision petition need to be adjudicated in the exercise of inherent jurisdiction under Section 482/528 BNSS.

10. To appreciate the factual matrix, statement of PW-1 Gagandeep Kaur during the course of which application under Section 319 Cr.P.C. was moved for summoning the petitioners as additional accused is reproduced as under:-

“Stated that, I am resident of aforementioned address and I am government employee and working as a teacher in Govt. Middle School, Buh. My



CRM-M-8578-2020 and
CRM-M-8682-2020

- 6-

marriage was solemnized with Daljit Singh accused on 07.09.2011 at Nagina Resorts, Talwandi Chaudhrian, Tehsil Sultanpur Lodhi, District Kapurthala, as per Sikh rites and ceremonies. At the time of marriage, my parents spent huge money as per their ability. Dowry articles alongwith istridhan and gifts were given to me at the time of my marriage. A boy namely Jasnoor Singh was born out of this wedlock. After the marriage, my husband and my inlaws family namely Parkash Kaur my mother in law, Jaswant Singh my father in law, Ranjit Singh (Jeth), Palwinder Kaur (Jethani), all started harassing me. They all harass me on the ground of more demand of dowry. Whereas my parents had already spent more than 10 lacs at the time of marriage and have given sufficient dowry including valuable clothes, alongwith 8 tolas of gold and other household articles. We all live in joint family. My inlaws family are of greedy nature. After 10 to 12 days of marriage, all the above named persons started harassing me that you have got less dowry and even articles given in the shape of dowry are not as per their standard. They all use to maltreat me and use to beat me. They all use to say that you must bring the car in the shape of dowry otherwise I will not be allowed to live in matrimonial house. My mother in law, father in law, jethani maltreat me and use abusive language against me. My jethani also beats me many times and other family members appreciate her for doing so. My jeth was in service at Patiala. He also beat me when he visited inlaws family. Earlier, my inlaws family was having one car



CRM-M-8578-2020 and
CRM-M-8682-2020

- 7-

which they sold out after marriage and they pressurize me to bring new car from my parental family as my brother is in America, otherwise they will not allowed me to live in matrimonial house. After 3 to 4 months of marriage, my husband shifted me to rented house at Kapurthala and thereafter my parents give us household articles i.e. LCD, Refrigerator, Washing machine etc. We resided at Kapurthala for about 9 months, but, even there all my inlaws visited there and use to beat me and demand more dowry from me. After Kapurthala, my husband shifted me to Sultanpur Lodhi as we started building new house at village Shatabgarh. We both spent amount on the construction of the house, but, my husband without my consent give the same to his elder brother when I object the same, my husband alongwith other family member beat me. I use to bear all this that later on good sense may prevail on the part of my husband and we live peaceful life, but, attitude of my husband and other family members does not change. I told about the facts to my parents. The salary which was earned by me was taken by my husband. Thereafter panchayat were convened for my rehabilitation, but, the accused Daljit Singh alongwith his parents and other family members admitted that further they will not demand any dowry nor they maltreat or harass me. But, again after some days, accused alongwith his family members started demanding dowry from me and started beating me. In the month of October, all the family member alongwith accused came at Sultanpur Lodhi and they after the conversation started beating



CRM-M-8578-2020 and
CRM-M-8682-2020

- 8-

me and after snatching my child from me, they turned me out of the house in three clothes which I was wearing by saying that unless I will not bring a car from my parents and money for buying house at Kapurthala, he will not live with me. Afterwards, I made a phone call to my parents on which they took me alongwith my child to my parental house. From that day I am living at my parental house. The whole of the things which my parents has given to me was lying at the rented house at Sultanpur Lodhi. The accused took all my above said things/household articles alongwith my salary to my matrimonial house. Afterwards panchayat were convened two times and accused alongwith his parents and family members were called by the Panchayat, but, all of them denied to appear in the Panchayat and insulted the panchayat. My husband has moved false application at Women Cell Sultanpur Lodhi against me where my parents alongwith whole panchayat appeared, but, none appeared from the side of the accused except accused himself. My inlaws family gave me threat that if their demand were not fulfilled, they will not let me to live in matrimonial house and also gave threat/danger to my life. Aggrieved by above said acts of the accused and his family members and parents, I move an application ExPA before the SSP Kapurthala on which I identify my signatures at point A. On which after the enquiry, FIR was registered against accused Daljit Singh only. During enquiry I handed over the copy of bills of Istridhan and dowry articles to the enquiry



CRM-M-8578-2020 and
CRM-M-8682-2020

- 9-

officer. Original of the brought I have not brought with me.

Further examination in chief is deferred for want of original documents.”

11. The issue regarding the scope and extent of powers of the court to arraign any person as an accused during the course of inquiry or trial in exercise of power under Section 319 Cr.P.C. has been set at rest by a Constitutional Bench of Hon'ble Apex Court in the case of **Hardeep Singh Vs State of Punjab 2014 (1) R.C.R. Criminal 623 : 2014 (1) Recent Apex Judgments (R.A.J.) 384 : JT 2014 (1) SC 412.** The legal position is summarised as under:-

“98. Power under Section 319 Cr.P.C. is a discretionary and an extra-ordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner.

99. Thus, we hold that though only a prima facie case is to be established from the evidence led before the court not necessarily tested on the anvil of Cross Examination, it requires much stronger evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case



CRM-M-8578-2020 and
CRM-M-8682-2020

- 10-

as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes un rebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 Cr.P.C.”

12. In Babubhai Bhimabhai Bokhiria and Anothers Vs State of Gujarat and Others 2014 (2) RCR (Criminal) 915 (S.C.), the Hon'ble Apex Court went a step further to hold that:-

“8. Section 319 of the Code confers power on the trial court to find out whether a person who ought to have been added as an accused had erroneously been omitted or has deliberately been excluded by the investigating agency and that satisfaction has to be arrived at on the basis of the evidence so led during the trial. On the degree of satisfaction for invoking power under Section 319 of the Code, this Court observed that though the test of prima facie case being made out is same as that when the cognizance of the offence is taken and process issued, the degree of satisfaction under Section 319 of the Code is much higher.”

13. Petitioners are the father-in-law, mother-in-law, brother in law (*jeth*) and sister-in-law (wife of *jeth*) of respondent No.2. Marriage of respondent No.2 was solemnized with Dalljit Singh on 07.09.2011. The couple was blessed with a child after marriage. As per statement of respondent No.2, she lived with the petitioners in the joint family for some time. After 3/4 months of marriage, respondent No.2 and her



CRM-M-8578-2020 and
CRM-M-8682-2020

- 11-

husband shifted to a rented house at Kapurthala where they lived for 09 months, thereafter, the couple shifted to Sultanpur Lodhi.

14. Allegations made against the petitioners, in statement of PW-1 Gagandeep Kaur recorded during trial are general in nature and do not, *prima facie* make out a case against them either under Section 498A IPC or under Section 406 IPC. There is no specific role assigned to any of the petitioners nor any specific particulars have been averred as to when and in what manner, they harassed respondent No.2 for dowry when the demands were raised. No specific, concrete and precise allegations are forthcoming and complainant has merely stated in omnibus manner that her husband and other petitioners harassed her in connection with dowry demands, taunted her for bringing inferior quality dowry, maltreated her and gave her beatings, raised demand of new car and abused her.

15. The essential ingredients to attract Section 405 IPC are also found missing. Section 405 IPC reads as under:-

“405 IPC

Criminal breach of trust

Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes off that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such



CRM-M-8578-2020 and
CRM-M-8682-2020

- 12-

trust, or wilfully suffers any other person so to do, commits "criminal breach of trust".

16. Entrustment is a sine-qua-non for proving the offence under Section 406 IPC. There is not a word in the FIR that any particular article of dowry was entrusted to the petitioners. Thus, in the absence of specific unambiguous allegations of entrustment of specific articles of dowry to the petitioners, in the absence of further allegations that petitioner retained the dowry articles or refused to return the articles to the complainant/respondent No. 2 on demand, the offence under Section 406 IPC was also not *prima facie* attracted.

17. In ***Dara Laxman Narayan and Others Vs. State of Telangana and Another*** 2024 INSC 953, Hon'ble Supreme Court held thus:

"XXXXXX

25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.

XXXXXX"



CRM-M-8578-2020 and
CRM-M-8682-2020

- 13-

18. In *Kahkashan Kausar Vs. State of Bihar*, (2022) 6 SCC 599, Hon'ble Supreme Court observed as under:

"11.....that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A IPC as instruments to settle personal scores against the husband and his relatives.

18. ... upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy".

Furthermore, no specific and distinct allegations have been made against either of the appellants herein ie. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes... However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

21. ...it would be unjust if the appellants are forced to go through the tribulations of a trial ie. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon



CRM-M-8578-2020 and
CRM-M-8682-2020

- 14-

the accused, and such an exercise must, therefore, be discouraged.”

19. Statement of PW-1 recorded during the trial could not have compelled the court to take cognizance under Section 319 Cr.P.C., against the petitioners. The test of *prima face* case laid down in **Hardeep Singh's** was not satisfied. It is not that the court should turn against another person under Section 319 Cr.P.C. whenever it comes across evidence connecting that another person with the offence. The power under Section 319 Cr.P.C. is to be exercised only to achieve the ends of justice and not to satisfy the whim of the complainant, to see all those related to the husband in the dock. Order dated 07.03.2019 of learned JMJC, declining to issue process against the petitioners is well reasoned, based on correct appreciation of facts and law while order dated 10.12.2019 passed by the learned Additional Sessions Judge, Kapurthala is not sustainable both in law and on facts. Subjecting the petitioners to the rigors of criminal trial on the vague general allegations in statement of complainant would be an abuse of the process of law. There is sufficient ground to invoke inherent powers of the Court.

20. Both petitions under Section 482 Cr.P.C. are therefore allowed. Order dated 10.12.2019 passed by the learned Additional Sessions Judge, Kapurthala, is set aside. Learned Trial Court is directed to proceed further in the matter, in accordance with law. Needless to add that observations in this order shall not influence the



**CRM-M-8578-2020 and
CRM-M-8682-2020**

- 15-

decision of the learned Trial Court, while deciding the case against Daljit Singh, husband of respondent No.2.

21. Pending misc. application(s), if any, also stand disposed of.

22. A photocopy of this order be placed on the record of connected cased.

**(SHALINI SINGH NAGPAL)
JUDGE**

09.02.2026

Kapil

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No