



2026:DHC:7061



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 11.08.2026

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CNR No. DLHC010335572023

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AMANPREET KAUR

.....Petitioner

Through: Mr. Shri Singh, Sr. Adv. along with
Mr. Gautam Khazanchi, Ms. Namrata
Sandhnani, Mr. Ayush Sachan, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The hearing has been done through hybrid mode.
2. This petition has been filed by the petitioner under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as '*Cr.P.C.*'), seeking quashing of Complaint *Case No. 2025/2022* titled '*Charanjit Singh v. Amanpreet Kaur*' and the order dated 25.02.2023 passed therein by the learned Metropolitan Magistrate, Rohini Courts, Delhi, whereby the petitioner was summoned under Sections 323/341/298 of the Indian Penal Code, 1860 (hereinafter referred to as '*IPC*').

FACTUAL MATRIX

3. The case of the petitioner is that she was married to the son of



respondent no. 2/complainant on 12.07.2020. It is the petitioner's case that the matrimonial relationship soon turned acrimonious, and that the complainant, her father-in-law, thereafter instituted a civil suit, being **CS SCJ 517/2022**, seeking permanent injunction against his son, the petitioner and other family members.

4. It is alleged that on 01.08.2022, during the hearing of the said suit, an altercation took place in court between the petitioner and the complainant, during which the complainant alleged that the petitioner abused and assaulted him, including by removing his turban . Taking cognizance of the incident, the learned Civil Judge restrained the petitioner from visiting the suit property and issued a show-cause notice to her as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against her for interference in the administration of justice. Relevant portion of the aforesaid order is reproduced hereinbelow-

“Ld. Counsel for plaintiff intends to place on record certain citations. Let the same be filed within 7 days with copy being supplied to the opposite party.

At this stage, defendant no. 2 in utter disregard of the decorum of the court has pounced upon plaintiff no.1 in the court and has assaulted him physically. In such circumstances, the apprehensions of the plaintiffs that. they apprehend physical and mental harm from defendant no. 2 are evidenced and therefore the defendant no. 2 is hereby restrained to visit the suit property i.e., property bearing no [REDACTED], till any further appropriate orders of the court. The defendant no. 2 is further directed to show cause as to why appropriate proceedings under the Contempt of Courts Act, 1971 be not initiated



against her for interference in the administration of justice.”

5. Subsequently, the complainant also lodged a complaint (DD No. 59A) with the SHO, PS Prashant Vihar, on 02.08.2022 regarding the same incident.

6. The petitioner thereafter filed her reply to the show-cause notice, and on 06.09.2022, the learned Civil Judge, having considered the reply and the background of the matter, warned the petitioner to be careful in future and no action under the Contempt of Courts Act was initiated against her. The relevant portion of the said order reads as under:

“Defendant no. 2 has tendered unconditional apology and has further undertaken to not repeat the behavior in the future and has further undertaken to maintain the decorum of the court.

Accordingly, considering the reply filed by defendant no. 2 today and also the background of the present matter, the defendant no. 2 is warned to be careful in the future, and no action under the Contempt of Courts Act, 1971, is being initiated against her.

Furthermore, the reliefs sought in the prayer clause of the reply are kept in abeyance as for now and the defendant no. 2 is directed to approach the court vide a proper application in this regard.”

7. It is the petitioner's case that, notwithstanding the above, the complainant filed a fresh criminal complaint under Section 200 Cr.P.C. (CC No. 2025/2022) on 14.11.2022 against the petitioner before the learned CMM (North), Rohini Courts, for offences under Sections



323/341/506 IPC, arising out of the very same incident of 01.08.2022. On 25.02.2023, the learned Metropolitan Magistrate summoned the petitioner under Sections 323/341/298 IPC, holding that the allegations, including the abuse directed at the complainant's turban, prima facie disclosed offences of hurt, wrongful restraint, and outraging religious feelings. The relevant portion of the impugned order dated 25.02.2023 is reproduced hereinbelow:

“Based on these facts, complainant has sought summoning of the proposed accused persons.

Heard. Record perused.

Complainant had examined himself and has reiterated the allegations made in the complaint. It has prima facie appears from the deposition of complainant that the proposed accused has caused hurt to the complainant and in the process of doing so has also wrongfully restrained. It has been further surfaced in the deposition of complainant that the proposed accused abused the complainant by saying “haramzade kutte sardar, ye pagadi tera maan hai na aaj tujhe batati hun jab tera maan girega”.

It appears that the words and the action uttered by the accused has been deliberately targeted towards the turban of the complainant. There is no gainsaying that the turban is sacrosanct to the religious practice of the complainant.

Accordingly, prima facie offence u/s 298 IPC also appears to have been made out.



At this juncture, it would be pertinent to record that accused is not the resident of this jurisdiction and the satisfaction for the purposes of section 202 Cr.PC has been arrived based upon the complaint and the deposition of witness.

Issue fresh summons to the accused U/s 323/341/298 IPC on filing of PF within 03 days from today, returnable for 06.07.2023.”

8. Aggrieved by the aforesaid summoning order dated 25.02.2023, the petitioner preferred the present petition before this Court, seeking quashing of the complaint as well as the impugned summoning order.

SUBMISSIONS ON BEHALF OF THE PETITIONER

9. Learned counsel for the petitioner submits that the petitioner is the daughter-in-law of the complainant, and that the petitioner and her husband are locked in bitter matrimonial acrimony, with cross-litigations pending between the parties and their respective families, including a petition under the D.V. Act, 2005, DV 250/2022; a maintenance petition under Section 125 Cr.P.C., MNT 125/271/2022; and a petition under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 filed by the husband. It is submitted that the complaint giving rise to the impugned order is a direct offshoot of this matrimonial discord and has been engineered as a counterblast to pressurise the petitioner into withdrawing the said proceedings instituted by her.

10. Learned counsel for the petitioner submits that the alleged occurrence took place on 01.08.2022 during a hearing before the learned Civil Judge, Rohini Courts, in Civil Suit "Charanjit Singh & Anr. v. Mandeep Singh & Ors.", **CS SCJ 517/2022**, filed by respondent no. 2



himself against the petitioner and her husband. It is contended that the contemporaneous order dated 01.08.2022 records only that the petitioner had "pounced upon" the complainant and assaulted him physically, with no reference to any utterance touching his turban or religion, and that the words now attributed to the petitioner in the criminal complaint filed nearly four months later are a subsequent embellishment unsupported by the contemporaneous record.

11. Learned counsel for the petitioner further submits that, on the basis of the same incident, the learned Civil Judge had issued a show-cause notice to the petitioner as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against her, and that upon consideration of the petitioner's reply, the learned Civil Judge, vide order dated 06.09.2022, warned the petitioner to be careful in future and declined to initiate any action against her under the said Act. It is contended that the subsequent criminal complaint arising out of the same occurrence amounts to an abuse of the process of the Court.

12. Learned counsel submits that the essential ingredients of the offences invoked are not made out. It is contended that Section 298 IPC requires a deliberate and calculated intention to wound religious feelings, which cannot be satisfied by a stray, uncorroborated utterance absent from the contemporaneous judicial record; that Section 341 IPC requires proof of obstruction preventing the complainant from proceeding, which is not disclosed; and that Section 323 IPC is invoked without any medical certificate, MLC, or independent witness, despite the incident allegedly occurring in open court in the presence of the presiding officer and staff.

13. Learned counsel submits that the Trial Court failed to appreciate the



pre-existing matrimonial acrimony motivating false implication, the contradiction between the complaint and the contemporaneous civil court order dated 01.08.2022, and the closure of proceedings on the self-same incident, and that continuation of the prosecution would result in miscarriage of justice and abuse of process of the court.

14. Learned counsel for the petitioner places reliance upon the judgments of *Mudassir Ullah Khan v. State of U.P. and Others*, 2013 (5) ALJ 73; *Madhushree Datta v. State of Karnataka & Ors.*, 2025 (2) SCR 187; and *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, in support of the aforesaid submissions. Learned counsel submits that continuation of the complaint and the impugned summoning order dated 25.02.2023 would amount to an abuse of the process of the Court and would not serve the ends of justice.

FINDINGS AND ANALYSIS

15. This Court has heard learned counsel for the petitioner, considered the judgments relied upon and perused the material placed on record.

16. The principal contention of the petitioner is that the criminal complaint is a product of the matrimonial discord between the petitioner and her husband and has been instituted by respondent no. 2 as a counterblast to the proceedings initiated by the petitioner under the Protection of Women from Domestic Violence Act, 2005 and Section 125 Cr.P.C. It is further contended that the allegations relating to the petitioner's conduct towards the turban of respondent no. 2 are an afterthought, having been introduced subsequently in the criminal complaint, and are not supported by the contemporaneous order dated



01.08.2022.

17. At this stage, it would be apposite to reiterate the parameters governing exercise of jurisdiction under Section 482 Cr.P.C. The High Court, while exercising its inherent jurisdiction, is not expected to analyse the allegations in the complaint in the light of all possible probabilities so as to determine whether the prosecution would ultimately result in conviction. The complaint has to be read as a whole and, if the allegations, taken at their face value, disclose the ingredients of the offences alleged and there is no material demonstrating that the complaint is mala fide, frivolous or vexatious, interference at the threshold would not be warranted.

18. The Supreme Court in ***Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque***, (2005) 1 SCC 122, while delineating the scope of Section 482 Cr.P.C., has held as under:

“When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring



about its sudden death.”

19. In ***State of Haryana & Ors. v. Ch. Bhajan Lal & Ors.***, 1992 Supp (1) SCC 335, the Supreme Court, while delineating the parameters governing the exercise of the inherent jurisdiction of the High Court, illustratively identified the following categories of cases in which such power may be exercised to prevent abuse of the process of law or otherwise secure the ends of justice:

“(1) 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(3) 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.

(4) Where the allegations in the FIR 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.



(5) *Where the allegations made in the FIR 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.*

(6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (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 Act concerned, providing efficacious redress for the grievance of the aggrieved party.*

(7) *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.”*

20. In the present case, the occurrence in question is alleged to have taken place on 01.08.2022 during the proceedings in **CS SCJ 517/2022** before the learned Civil Judge. It is not disputed that an altercation took place between the petitioner and respondent no. 2 during the said proceedings. The order dated 01.08.2022 records the allegation that the petitioner had “*pounced upon*” respondent no. 2 and had physically assaulted him. The learned Civil Judge also considered the incident sufficiently serious to issue a show-cause notice to the petitioner in respect of the alleged interference with the proceedings of the Court.

21. It is necessary to peruse the complaint filed by the respondent. The



relevant portion thereof is reproduced hereinbelow:

“4. That the accused also filed his written statement in the said suit but on 01.08.2022, at around 2:30 PM during hearing of the above noted case the accused started abusing the complainant in loud voice by saying, “Haramzade Sardar Yeh Pagadi Tera Maan Hari Na, Aaj Tujhe Batati Hun Jab Teri Maan Girega” and suddenly pounced upon the complainant and assaulted him by removing his turban and gave 2-3 slaps to him inside the court room of the Hon’ble Court of Sh. Abhinav Singh, CJ, North-West District, Delhi during presence of Court staff, Hon’ble Judge and many other persons. The said incident was utter disregard of the decorum of the Court and thus the Hon’ble Court gave show cause to the accused. The certified copy order dated 01.08.2022 is annexed herewith.

5. That after hearing was over the accused in front of Court Room no. 310 again restrained the complainant and threatened him that she will not left him alive. The complainant being senior citizen got frightened and called at PCR. The police arrived and took the complainant at Chowki, Rohini Court. On that day police did not take any action against the accused despite many requests by the complainant.

6. That on next day i.e. 02.08.2022 the complainant made a complaint to the SHO, PS Prashant Vihar vide DD No. 59A but till date no action taken by the police against accused despite of many visits of the complainant to the Police Station.”

22. The petitioner, however, places considerable reliance upon the fact that the order dated 01.08.2022 does not record any allegation concerning



the petitioner's alleged utterances relating to the turban or religious feelings of respondent no. 2. According to the petitioner, the said allegation was introduced for the first time in the criminal complaint filed subsequently and therefore constitutes an afterthought.

23. In the opinion of this Court, the omission of the said allegation from the order dated 01.08.2022 cannot, at this stage, be treated as conclusive proof that the allegation was subsequently fabricated. The order passed by the learned Civil Judge was made in the context of the proceedings pending before that Court and cannot necessarily be regarded as an exhaustive account of every word or act alleged to have occurred during the altercation. Whether the petitioner in fact made the alleged utterances, the precise circumstances in which they were made and whether such utterances were accompanied by the requisite intention are questions which would require appreciation of evidence.

24. The pendency of matrimonial proceedings undoubtedly demonstrates acrimony between the parties. However, the mere existence of such discord does not, by itself, establish that the criminal complaint is false or malicious. Significantly, the incident dated 01.08.2022 finds contemporaneous mention in the order passed by the learned Civil Judge on the same date. While the omission of the alleged utterances concerning the turban may be a circumstance available to the petitioner in her defence, it cannot, at this stage, lead to a conclusion that the complaint is wholly false or fabricated. The allegation of the complaint being a counterblast, therefore, cannot be conclusively accepted at this stage.

25. Turning to the submission that the ingredients of the offences are not made out, learned counsel for the petitioner submits that Section 298



IPC requires a deliberate intention to wound the religious feelings of the complainant and that the alleged utterance, having not been mentioned in the order dated 01.08.2022, cannot constitute the basis for the offence. The submission, however, cannot be examined in isolation from the allegations contained in the complaint. The complainant has specifically alleged that the petitioner made utterances concerning his turban in his presence, which, according to him, were intended to wound his religious feelings. Whether the alleged utterances were in fact made and, if so, whether they were made with the requisite intention, are questions which can be determined only upon appreciation of the evidence. The omission of the said allegation from the order dated 01.08.2022 may be a circumstance available to the petitioner in her defence, but cannot, at this stage, be treated as sufficient to negate the allegation altogether.

26. The contention with regard to Section 341 IPC is that the complaint does not disclose any specific act by which the complainant was prevented from proceeding in a direction in which he had a right to proceed. The complaint, however, specifically alleges that, after the hearing, the petitioner again restrained the complainant in front of Court Room No. 310. Whether the said act constitutes wrongful restraint within the meaning of Section 339 IPC is not required to be conclusively determined at this stage. The allegation, taken at its face value, cannot be said to be wholly devoid of the factual foundation necessary to proceed under Section 341 IPC.

27. As regards Section 323 IPC, the submission is that there is no MLC, medical certificate or independent witness to support the allegation of assault. The mere absence of medical evidence, however, does not by



itself render an allegation of causing hurt legally untenable. The complaint contains an allegation of physical assault, and the incident is stated to have occurred in the court premises. The evidentiary value of the complainant's version, the effect of the absence of medical evidence and the availability of corroboration are matters which can be appropriately considered by the learned Trial Court on the evidence led before it. At the present stage, these considerations do not furnish sufficient ground to hold that the offence under Section 323 IPC is not prima facie disclosed.

28. Furthermore, the petitioner relies upon the order dated 06.09.2022, whereby the contempt proceedings arising from the incident dated 01.08.2022 were closed with a warning. It is contended that the subsequent criminal complaint on the same incident amounts to an abuse of process.

29. The aforesaid contention, however, cannot be accepted as creating a bar to the maintainability of the criminal complaint. The jurisdiction exercised in contempt proceedings is distinct from the jurisdiction exercised in respect of substantive offences under the Indian Penal Code. The judgments relied upon by the petitioner also do not advance the petitioner's case.

30. This court notes that contempt proceedings are concerned with conduct which obstructs or tends to obstruct the administration of justice or affects the authority and dignity of the Court, whereas a prosecution for substantive offences is concerned with the commission of the particular offence alleged against the accused. The fact that the learned Civil Judge, in exercise of contempt jurisdiction, ultimately chose not to proceed against the petitioner does not amount to an adjudication that the alleged



assault, restraint or utterances did not take place, nor does it operate as an acquittal in respect of the offences subsequently alleged in the criminal complaint.

31. There is yet another aspect which merits consideration. The petitioner has approached this Court directly challenging the summoning order passed by the learned Metropolitan Magistrate, without first availing the remedy available before the learned Sessions Court. While the availability of an alternative remedy does not, in itself, constitute an absolute bar to the exercise of jurisdiction under Section 482 Cr.P.C., judicial propriety and discipline require that the ordinary hierarchy of criminal courts be respected, particularly where the petitioner has an efficacious remedy available before the learned Sessions Court.

32. The remedy before the learned Sessions Court cannot be regarded as an empty formality. The petitioner would have had an opportunity to assail the impugned summoning order on all the grounds urged before this Court and seek appropriate relief from the Court having jurisdiction in the ordinary course. Ordinarily, a party ought not to bypass such remedy and invoke the inherent jurisdiction of the High Court at the first instance, particularly when no exceptional circumstance warranting such direct interference has been demonstrated.

33. The present case, therefore, does not disclose circumstances warranting exercise of the extraordinary jurisdiction of this Court in the first instance. The petitioner has not only failed to demonstrate that the complaint is inherently false or that continuation of the proceedings would amount to an abuse of the process of law, but has also approached this Court without first availing the efficacious remedy available in the



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ordinary course.

CONCLUSION

34. This Court, therefore, finds no ground to interfere with the complaint or the impugned summoning order dated 25.02.2023. The present petition is, accordingly, dismissed. Pending application(s), if any, also stand disposed of in the aforesaid terms.

35. It is clarified that the observations made herein are confined to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the case. The learned Trial Court shall proceed with the matter uninfluenced by any observation made in the present judgment and in accordance with law.

36. A copy of this judgment be sent to the learned Trial Court for necessary information and compliance.

**MADHU JAIN
(JUDGE)**

AUGUST 24, 2026/RM