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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-60388-2024
Date of Decision:- 18.08.2025

RAHUL SHUKLA AND ORS ....Petitioners

Vs.

UT CHANDIGARH AND ANR ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Suvir Sidhu, Advocate for the petitioners.
Mr. Manish Bansal, PP, UT, Chandigarh with Mr. Navjit Singh, Advocate for UT, Chandigarh.
Mr. Amjad Khan and Mr. Anureet S. Sidhu, Advocates for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioners namely Rahul Shukla, Nidhi Shukla, Rachna @ Rachna Shukla and Asha Rani @ Asha Shukla have filed instant petition for quashing of FIR No.47 dated 23.04.2022 under Sections 406 and 498-A of IPC, registered at Women Police Station, Sector-17, Chandigarh (Annexure P-1) along with all subsequent proceedings arising therefrom.

2. Facts of the case are, complainant Ravinder Singh filed complaint against Rahul Shukla - husband, Yash Pal Shukla – father-in-law, Asha Shukla mother-in-law, Rachna Shukla and Nidhi Shukla sisters-in-law of complainant’s daughter. Complainant stated that marriage of his daughter Neha Chalana was settled through matrimonial website shaadi.com.

Accused No.1 Rahul Shukla proposed to his daughter for marriage. Complainant and his family went to Faridabad Haryana to meet parents of Rahul Shukla. Engagement ceremony was fixed in April and the marriage was to take place sometime by end of 2018. Family of accused No.1 insisted for marriage in April itself so that Rahul could apply his daughter's visa for going to Sydney Australia where he was living for the last 10/11 years. It was difficult for Rahul to visit India time and again to complete the formalities and ultimately their marriage was fixed for 13.04.2018. The marriage ceremony took place in Chandigarh. Complainant made all arrangements for the stay of Rahul's family. They were given gold ornaments as per their demand as detailed in the FIR. After marriage, Neha and Rahul left for Shimla. All the expenses were borne by him. During their stay in Shimla, Rahul started checking his daughter's mobile without her consent and found photographs of her with past relation. Everything was made clear to accused No.1 before marriage and at that time he clearly stated that he was not interested in her past and he just wanted to spend his life with his daughter in present and future. His daughter Neha made her husband understand on this point. They came back to Chandigarh on 17.04.2018 and stayed with the family for a day and then left for Faridabad. His daughter stayed with her in-laws for 2 weeks. She wanted to accompany her husband to Sydney as she was having tourist visa for Australia. Accused No.1 told her that after reaching Australia, he will complete all the formalities. Finally, Rahul Shukla went back to Sydney on 26.04.2018 whereas she went to Qatar Doha on 03.05.2018 where she was working. Neha and her husband used to talk over the phone and disagreements started regarding their long distance

relationship. Finally, his daughter left her job and joined the company of her husband on 17.05.2018 by taking a flight from Qatar to Sydney. Finally, they stayed in shared house with another couple and later-on shifted to other apartment taken on rent. Sometimes his daughter Neha and her husband used to have disagreement but she always tried to calm him down. On 09.06.2018 Rahul again started arguments regarding her past relationship. In order to settle their matrimonial life, son of complainant and his wife came to Sydney from Melbourne on 10.06.2018 and they tried to sort out the things. Rahul did not like the interference in his personal and domestic life and he even told Neha to stop having any relationship with her brother. Neha told him that it was not possible for her to break relationship with her brother. Again arguments started between husband and wife. Complainant has narrated incidents which took place with his daughter during her stay with her husband in Sydney. Complainant alleged that Rahul was raising issue about past relationship of his daughter with her ex-boyfriend time and again. She was treated with cruelty as Rahul and her parents wanted to get more dowry from the complainant and his daughter. His daughter suffered on account of beating and unhuman treatment given to her by her husband. She was 3-4 weeks pregnant. They started having quarrel regarding bank account. Husband of the complainant's daughter apologized several times but there was no change in his behaviour. Finally, Neha decided to leave the company of her husband Rahul. She took financial help of her brother who booked flight from Sydney to Melbourne. After reaching the airport, Neha informed the police on emergency number. Police reached at Airport and helped her in boarding the flight. She lodged formal complaint regarding domestic

violence. When Rahul found that Neha had left the house, he contacted the complainant in India. Complainant also called Rahul's family to tell about the conduct of their son. They did not want to rehabilitate Neha. They insisted as per their promise, she was to bring Rs.8 lakhs after marriage as dowry but she never brought the said money. Even Rahul's sister abused the complainant on phone. Rahul also tried to malign the image of his daughter by sending and calling all of their family members and friends through whatsapp and facebook. He even insisted that Neha was not carrying his child in her womb. Complainant further alleged that Rahul had deposited money belonging to Neha in his account which she had received at the time of resigning her job at Qatar. Rahul had raised demand of money to buy a car in Sydney. His daughter was ill-treated by the accused persons on account of their demand from time to time. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner No.1 is law abiding citizen of Australia holding Overseas citizenship of India. Petitioner Nos.2 to 4 are also law abiding citizens of India. All allegations levelled against them are false and without any basis. Contents of FIR clearly indicate that after marriage of Rahul Shukla with Neha on 13.04.2018, Rahul Shukla went back to Australia on 26.04.2018 whereas Neha went to Qatar Doha on 03.05.2018. Thereafter, Neha joined the company of her husband Rahul by taking flight from Qatar to Sydney on 17.05.2018. Matrimonial dispute started between the couple during their stay in Sydney, Australia. All allegations levelled against petitioners regarding maltreatment on account of demand of dowry are without any basis. Neha daughter of the complainant

filed false and frivolous case in Australia against Rahul Shukla. Copy of Court Order Notice dated 05.04.2019 is Annexure P-2. At present, marriage of Rahul Shukla and Neha Chalana has been dissolved by the Federal Circuit Court of Australia vide order dated 12.09.2019 (Annexure P-3). Entire matrimonial dispute between Neha Chalana and Rahul Shukla regarding domestic violence and dissolution of marriage have been decided in Australia by the Competent Courts. Without considering the aforesaid factual position, present FIR was registered without any basis. Asha Rani, Rachna and Nidhi Shukla filed anticipatory bail in the aforesaid FIR No.47 dated 23.04.2022 under Sections 406 and 498-A of IPC, Police Station Sector-17, Chandigarh in which they were granted interim relief which was made absolute vide order dated 01.08.2022 passed by learned Additional Sessions Judge, Chandigarh (Annexure P-4). At present, challan is also presented in the said FIR (Annexure P-5). Nidhi Shukla had filed CRM-M-55540-2024 i.e. writ under Article 226 of Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside Look Out Circular and all consequent proceedings in the aforesaid FIR in which interim relief was granted by this High Court vide order dated 06.11.2024 (Annexure P-6). Rahul Shukla was granted anticipatory bail by learned Additional Sessions Judge, Chandigarh vide order dated 23.12.2024. At present Neha Shukla daughter of the complainant has performed second marriage and she has moved ahead. She is still residing abroad. Registration of aforesaid FIR and proceedings thereunder are without any basis. Petitioners are involved in this FIR on the basis of false and baseless allegations of maltreatment on account of demand of dowry. In-fact, no

incident took place in India to justify the registration of present FIR. With these arguments, it is submitted that FIR No.47 dated 23.04.2022 (Annexure P-1) and the challan presented against petitioner Nos.2 to 4 and subsequent proceedings thereon may kindly be quashed.

4. On the other hand, learned counsel representing UT, Chandigarh assisted by counsel for the complainant raised the issue that on the complaint filed by Ravinder Singh, matter was enquired. Counselling sessions were conducted. Complainant had requested to close the complaint as his daughter was residing in Australia and it was not possible for her to come to India in the next 2-3 months. On that statement, complaint was filed. During this period, there was outbreak of pandemic Covid-19. Complainant came back to India and reopened the earlier complaint filed before the police authorities. Notices were sent to both the parties to join the enquiry proceedings. Complainant again intimated the police authorities regarding divorce granted by Federal Circuit Court of Australia and the fact that his daughter had remarried on 09.11.2020. Nobody appeared from the side of accused/petitioners. On the basis of report of Deputy DA (Legal), present FIR was registered. Notices were issued to the petitioners to join the investigation. The investigating agency had issued notices on 14.09.2022 and 22.03.2023 calling upon Asha Rani, Rachna Shukla and Nidhi Shukla but they failed to join. Regarding petitioner No.1, Look Out Circular was issued on 03.04.2024. When he reached Hyderabad airport, he was apprehended by the police on the basis of Look Out Circular. Later-on, they were supplied copy of order dated 06.11.2024 passed by this Court and was released thereafter. He applied for anticipatory bail before learned

Additional Sessions Judge, Chandigarh. It is confirmed that he was granted anticipatory bail vide order dated 23.12.2024. It is pointed out that qua Nidhi Shukla, Rachna Shukla and Asha Rani, challan has been presented on 17.05.2024 whereas Rahul Shukla has again gone back to Australia without taking permission from the Court. Therefore, it is submitted that petitioners are not entitled to any relief. They can prove their stand during trial. Therefore, petition filed by petitioners deserves dismissal.

5. I have considered the aforesaid factual position and have gone through the record carefully. Present FIR has been registered on the complaint of Ravinder Singh respondent No.2 who is father of Neha Chalana. Admittedly Rahul Shukla petitioner No.1 and Neha got married on 13.04.2018. Both of them came in contact with each other through matrimonial website shaadi.com. At that time, Neha Chalana was working in Qatar Doha whereas Rahul Shukla was settled in Australia for the last 10-11 years. As per the contents of FIR Rahul Shukla went back to Sydney Australia on 26.04.2018 whereas Neha Chalana went to Qatar Doha on 03.05.2018. As per the contents, couple did not come back to India. Matrimonial dispute started between Rahul Shukla and Neha Chalana during their stay in Sydney, Australia. It is not disputed that Neha Chalana filed complaint of domestic violence against her husband Rahul Shukla, as a result he received Court Order Notice dated 05.04.2019 (Annexure P-2). Later-on, Rahul Shukla filed divorce case and the marriage of Rahul Shukla and Neha Chalana was dissolved by the orders of Federal Circuit Court of Australia dated 12.09.2019 (Annexure P-3). Admittedly, as per status report, Neha Chalana has remarried on 09.11.2020. Contents of status report further

indicate that Ravinder Singh father of Neha Chalana had confirmed these facts before Investigating Agency. Aforesaid facts clearly indicate that no matrimonial dispute took place between couple during their stay in India. Both husband and wife have already taken divorce and moved ahead. There is nothing on record to show that Nidhi Shukla, Rachna Shukla or Asha Rani petitioner Nos.2 to 4 ever visited matrimonial home of Rahul Shukla and Neha Chalana. Therefore, there is no question of any interference on their part in the matrimonial life of the couple. At present, petitioner Nos.2 to 4 are on bail and challan qua them is already presented. Contents of FIR No.47 dated 23.04.2022 (supra) (Annexure P-1) indicate that allegations against these petitioners No.2 to 4 are vague and without any basis. On the basis of frivolous and bald allegations, present FIR has been registered against them. In-fact, registration of aforesaid FIR is result of vengeance, as the daughter of respondent No.2 Neha Chalana had matrimonial dispute with her husband and for this reason, respondent No.2 Ravinder Singh filed present complaint against Rahul Shukla and his family members who were residing in India. In light of this, registration of FIR No.47 dated 23.04.2022 under Sections 406 and 498-A of IPC, Police Station Women, Sector-17, Chandigarh (Annexure P-1), presentation of challan under Section 173 Cr.P.C. (Annexure P-5) and consequent proceedings thereon is gross misuse of the process of law and accordingly the same qua petitioner Nos.2 to 4 are quashed.

6. So far as Rahul Shukla petitioner No.1 is concerned, he was granted relief of anticipatory bail by learned Additional Sessions Judge vide order dated 23.12.2024. Learned counsel representing petitioners stated that

Rahul Shukla went to Australia in January, 2025 and that too without taking permission from the Court concerned. Therefore, petitioner No.1 has misused the concession of anticipatory bail granted in his favour. In light of aforesaid factual position, I do not deem it fit to quash the aforesaid FIR registered against him and petition qua petitioner No.1 Rahul Shukla is, accordingly, declined.

7. Petition is, accordingly, partly allowed.

Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

18.08.2025
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No