

CRA-S-1360-SB of 2015

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

**CRA-S-1360-SB of 2015(O&M).
Date of Decision: 29.07.2015.**

Meenakshi

... Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest?

Present: Mr. Ashit Malik, Advocate for the appellant.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Paramjeet Singh, J. (Oral)

The instant appeal has been filed for quashing of the order dated 19.01.2015 vide which proceedings under Sections 195 and 211 of the Indian Penal Code were initiated by the learned Additional Sessions Judge (1), Rohtak against the appellant through its Reader.

Learned counsel for the appellant contends that the said

complaint has been filed without following the prescribed procedure. It is contended by the counsel for the appellant that a show cause notice was given to the applicant-appellant, though the same was never served upon her, proceedings under Sections 195 and 211 of the IPC were initiated against her. As such, show cause notice 19.01.2015 (Annexure P-2), complaint (Annexure P-4) and summoning order dated 31.01.2015 (Annexure P-3) are not sustainable. In support of his contentions, learned counsel for the appellant relies upon a decision of the Hon'ble Supreme Court of India in case titled as *Pritish Vs. State of Maharashtra, 2002 (1) ALL MR(Criminal) 732*.

I have heard learned counsel for the parties and gone through the case file very carefully.

I have considered the contentions raised by the learned counsel for the parties. As per the record, there is no proper service upon the appellant with regard to notice under Section 340 Cr.P.C. Admittedly, show cause notice was issued but the same was not served upon the appellant. Even no valid enquiry with regard to the matter referred by the learned Additional Sessions Judge, Rohtak was conducted.

In these circumstances, the impugned order dated

order (Annexure P-3) are set-aside.

However, the learned concerned Court will be at liberty to proceed in accordance with law after holding an enquiry. Since the appellant has knowledge of the notice under Section 340 Cr.P.C., no fresh notice is required to be given to her. She will be at liberty to file reply to the notice and will not raise any objection with regard to non-service of the notice.

Appeal disposed of in the aforesaid terms.

July 29, 2015.
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(PARAMJEET SINGH)
JUDGE