

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1956 of 2015

Date of Decision: January 23, 2015

Karamjit Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Parminder Singh Sekhon, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 30.05.2014 passed by learned Judicial Magistrate Ist Class, Malerkotla in case FIR No.140 dated 29.11.2013 under Sections 498-A and 406 IPC registered at Police Station Amargarh vide which the application under Section 319 Cr.P.C. filed by the complainant was allowed and for quashing of order dated 10.11.2014 passed by learned Addl. Sessions Judge, Sangrur vide which the revision petition filed by the petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, first of all I find that the petitioner has been summoned on the application under Section 319 Cr.P.C. The said application was filed by the complainant to summon Karamjit

Kaur, mother-in-law of the complainant, Mandeep Kaur and Bharpur Singh and same was allowed and they were summoned. A revision was filed by the summoned persons including present petitioner and learned Addl. Sessions Judge, Sangrur vide order dated 10.11.2014 accepted the revision partly and order passed by learned JMIC, Malerkotla was set aside qua Mandeep Kaur and Bharpur Singh as they are paternal Aunt and uncle of the husband of the complainant and residing separately.

The petitioner has already availed the remedy available to her by way of filing the revision. As per Section 397(3) Cr.P.C., second revision is not maintainable and the petitioner has filed the present petition under Section 482 Cr.P.C. in the guise of second revision. The perusal of the FIR shows that in no way, it can be held that no offence has been committed by Karamjit Kaur, who is mother-in-law of the complainant Gurpreet Kaur. The dowry articles are also supposed to be in the possession of husband and mother-in-law. At this stage, there is nothing to show that the orders passed by learned JMIC, Malerkotra as well as learned Addl. Sessions Judge, Sangrur qua the petitioner are illegal or against the record.

The present petitioner is named in the FIR and as held by learned Addl. Sessions Judge, Sangrur, without discussing anything by the Investigating Officer, the present petitioner has been kept in column No.2.

As per provisions of Section 319 Cr.P.C., it should appear to the Court that the person to be summoned under Section 319

Cr.P.C. is involved in the commission of the offence and should face trial along with the accused already facing the trial.

In view of the above discussion, I find that no illegality has been committed by the Courts below while passing the impugned orders and the same do not amount to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

January 23, 2015
Vgulati

(INDERJIT SINGH)
JUDGE