

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21499 of 2015 (O&M)
Date of Decision: 12.10.2015

Rashpal Kaur Bhullar

--Petitioner.

Vs.

State of U.T. Chandigarh and another

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Payel Mehta, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

CRM-32713 of 2015

Applicant seeks permission to place on record additional documents as Annexures P-3 to P-12.

Application is allowed, as prayed for.

CRM stands disposed of.

CRM-M-21499 of 2015

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short) seeks quashing of complaint No. 1872 dated 22.8.2014 (Annexure P-1) and summoning order dated 25.8.2014 (Annexure P-2).

Learned counsel for the petitioner submits that learned court below has misdirected itself, while passing the impugned

summoning order. She further submits that before passing the impugned order, learned court below should have conducted an enquiry into the matter, while referring to the provisions of Section 340 read with Section 195 Cr.P.C. She prays for setting aside the impugned orders, by allowing the present petition.

After hearing learned counsel for the petitioner at considerable length, careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that present one is not a fit case, warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., It is so said, because neither Annexure P-1 is a complaint, nor Annexure P-2 is a summoning order.

A combined reading of both the impugned orders Annexures P-1 and P-2 shows that learned court below has issued only a notice to the petitioner, so as to seek her reply to the application moved by the respondent under Section 340 Cr.P.C. However, petitioner proceeded on a wholly misconceived approach, treating Annexure P-1 as a private complaint. In such a situation, learned court below was very much competent to conduct the enquiry itself and the same has only been done by way of impugned orders. However, instead of filing her reply to the notice Annexure P-2, petitioner treated it to be a summoning order and rushed to this Court by way of present petition, invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C. for which the petitioner has not been found entitled in law.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered opinion that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference is made out.

Resultantly, present petition stands dismissed, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

12.10.2015
AK Sharma