

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

CRM-M-21529-2015

Date of decision: 8.7.2015

Karamjit Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mrs.Payel Mehta, Advocate for the petitioners

SNEH PRASHAR, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for setting aside the order dated 12.2.2015 passed by learned Additional Sessions Judge, Hoshiarpur as well as order dated 10.3.2015 passed by learned Judicial Magistrate, 1st Class, Hoshiarpur vide which, the petitioners have been charge sheeted under Section 498-A of the Indian Penal Code.

The submissions made by Ms.Payel Mehta, Advocate have been heard.

It was submitted on behalf of the petitioners that no offence under Section 498-A of the Indian Penal Code is made out against them as they are parents in law of the complainant. The allegations levelled against the petitioners in the First Information Report are general and vague in nature. There is no mention of time and date on which the

complainant was treated badly for bringing more dowry.

The petitioners had filed a criminal revision, which was partly allowed by the learned Additional Sessions Judge, Hoshiapur by directing the trial court to frame the charge against the petitioners under Section 498-A IPC only and they were discharged under Section 406 IPC. Sister in law of the complainant was also discharged.

In Prem vs. Budh Ram 2000 Criminal Law Journal 790, it has been held that “where a reasoned summoning order is passed by the trial Magistrate and the Sessions Judge upholds it and refuses to interfere under Section 397(2) of the Code, after hearing the arguments, the High Court would not interfere under Section 482 of the Code.”

In para 13 of the judgment dated 12.2.2015 learned Additional Sessions Judge, Hoshiarpur has observed as under:-

13. In view of above observations offence under Section 498-A IPC is not made out against the revisionist Harpreet Kaur but at the same time in the light of facts and circumstances and material on record there are clear and specific allegation of cruelty against the remaining revisionists about the commission of offence prima facie committed by them under Section 498-A IPC and the learned trial Court has rightly framed charge against the remaining revisionist under Section 498-A IPC.”

In **Ganesh Narayan Hegde Vs. S. Bangarappa and others**

1995(2) RCR (Criminal) 373, the Hon'ble Supreme Court held as under:-

“A second Revision does not lie under the code, and though an application under Section 482 of the Code of Criminal Procedure is not barred, the High Court cannot sit and act as the second Revisional Court while exercising the powers under Section 482. This provision can be invoked only where there is an abuse of process of Court or otherwise to secure the ends of justice.”

This is the second revision under the guise of Section 482 Cr.P.C., in which this court will not call the impugned summoning order as an abuse of process of court especially when the names of the petitioners were mentioned in the FIR at initial stage and were reiterated during the course of trial.

In the backdrop of the factual position discussed above and the legal position being well settled that at the stage of framing of charge the Trial Court is not to examine and assess in detail the material placed on record by the prosecution nor is it for the Court to consider the sufficiency of the material to establish the offence alleged against the accused persons, there is no merit in the instant petition. At the stage of charge the Court is to examine the material only with a view to be satisfied that prima facie case of commission of offence alleged has been made out against the accused.

It is also well settled that when the petition is filed by the accused under

Section 482 Cr.P.C. seeking for the quashing of charge framed against them the Court should not interfere with the order unless there are strong reasons to hold that in the interest of justice and to avoid abuse of the process of the Court a charge framed against the accused needs to be quashed. Any attempt by an accused for quashing of a charge before the entire prosecution evidence has come on record should not be entertained sans exceptional cases.

In view of the above, there appears no illegality or perversity warranting intervention in the orders passed by courts below. As such, the present petition is dismissed being bereft of any merit.

8.7.2015
gsv

(SNEH PRASHAR)
JUDGE