

In the High Court of Punjab and Haryana at Chandigarh

**CRM M-21862 of 2015
Date of Decision: July 20, 2015**

Seema

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Kamal Mor, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing order dated 14.03.2014 (Annexure P/3) passed by learned Judicial Magistrate First Class, Ambala whereby applications filed by the petitioner for framing of charge against respondent nos. 2 to 4 and for conducting the medical test of respondent no.2 have been dismissed, as well as, order dated 22.04.2015 (Annexure P/4) passed by learned Additional Sessions Judge, Ambala whereby revision petition filed against order dated 14.03.2014 (Annexure P/3) has been dismissed.

I have heard learned counsel for the petitioner and perused the record.

It is settled law that the Court is not required to examine the evidence minutely at the stage of framing of charge and even a suspicion is enough. The Court is required to see whether the allegations against the accused, prima facie appear to be true.

Hon'ble Supreme Court in *Onkar Nath Mishra and others vs. State (NCT of Delhi) and another, (2008) 2 SCC 561* has held that at the stage of framing of charge the Court is not expected to go deep into the probative value of the material on record. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

Hon'ble Supreme Court in *P. Vijayan vs. State of Kerala and another, 2010(1) RCR (Crl.) 826 (SC)* has also held that at the time of framing of charge the probative value of the material on record cannot be gone into and the material brought by the prosecution has to be accepted as true for that purpose.

Hence, in view of the aforementioned authoritative pronouncements, learned trial court is only to see prima facie case at the time of framing of charge and if the Court thinks that the accused might have committed the offence, it can frame the charge and probative value of the material on the record is not required to be considered at this stage and that the material brought on the record by the prosecution has to be accepted as true at this stage.

In view of above, I do not find any illegality or perversity in the

impugned order.

Dismissed. However, the petitioner will be at liberty to avail alternative remedy available to her in accordance with law.

July 20, 2015
vkd

[Paramjeet Singh]
Judge