

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.2605 of 2015(O&M)

Date of Decision:-18.12.2015

Komal.

.....Petitioner.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Sangwan, Advocate for the Petitioner.

Mr. R.K. Doon, AAG Haryana for respondent no.1.

Mr. Saurabh Dalal, Advocate for respondent no.2.

JASWANT SINGH, J.(ORAL)

The Petitioner(complainant) has preferred the petition to challenge the order dated 30.09.2014 (Annexure **P-3**) and the order dated 5.12.2014 (Annexure **P-4**), passed by the Courts below whereby her application under Section 311 Cr.PC was dismissed.

The case pertains to a matrimonial dispute wherein the attempt to compromise the matter had failed during the pendency of the trial as stated by the Counsel for the petitioner. The application under Section 311 Cr.PC was filed by the petitioner on the ground that the proceedings were mischief and in order to establish it the petitioner has gone to the extent of

blaming her own advocate also. It is also mentioned that the advocate got blank paper signed from her and the petitioner never appeared and never made any statement before the Court. On these grounds the application under Section 311 Cr.PC was filed to lead additional evidence by examining the petitioner as witness.

Counsel for the parties heard at length.

The trial Court had observed that the petitioner had appeared as PW-1, who had given her statement on 1.12.2011 and the same was signed by her and the advocate had identified her. The trial Court has rejected the ground raised by the petitioner to make ground for adducing additional evidence under Section 311 Cr.PC.

The revision preferred by the petitioner before the Court of Sessions has failed as the same was not maintainable, however, the same ground was raised in the petition before this Court. The conduct of the petitioner was noticed by the trial Court as she had made a statement before the Court in the year 2011 but has chosen to disown the same by raising frivolous grounds. Apparently, the talks regarding compromise had taken place and it was the choice of the petitioner not to support the prosecution case by giving up her own evidence. The permission if granted would be against the principles of criminal jurisprudence which would cause prejudice to the accused and, therefore, the courts below have rightly refused to exercise the power under Section 311 Cr.PC.

In my considered opinion, this Court is justified in not exercising its power under Section 482 Cr.PC for quashing the impugned orders (**P-3 & P-4**) as the petition is devoid of any merits and the same is

hereby dismissed.

(JASWANT SINGH)
JUDGE

December 18, 2015
Vinay