

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

**CRM-M-29119 of 2013
Date of Decision: 29.1.2015**

Varinder Kaur and others

....Petitioners

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. H.S. Baidwan, Advocate
for the petitioners.

Mr. A.S. Kler, DAG, Punjab.

Mr. Arnav Sood, Advocate
for respondent No. 2.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgement should be reported in the Digest?*

Kuldip Singh J.(Oral)

Reply filed.

Petitioners filed this petition for quashing the complaint No.84 dated 9.12.2010 (Annexure P-1) titled as Gursharan Kaur vs. Virender Kaur and others, under Sections 406,498-A, 344,346 and 120-B of the Indian Penal Code as well as summoning order dated 18.5.2013 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Patiala for summoning the present petitioners for trial.

The facts of the case coming out through copy of the judgment (Annexure P-4) shows that on the basis of an

application (old complaint) dated 26.5.2011, moved by Gursharan Kaur to Senior Superintendent of Police, SAS Nagar, levelling allegations of demand of dowry and harassment, case under Section 406 and 498-A of the Indian Penal Code was registered against the present petitioners No. 1 to 3 and two others. She had claimed that in the said application that she was married with Paras Singh on 1.10.2006. After the investigation, two persons were challaned. The case was tried by learned Sub Divisional Judicial Magistrate, Kharar, who vide order dated 14.1.2013 acquitted the accused in the said offences.

Copy of the criminal complaint titled as Gursharan Kaur vs. Virender Kaur and others shows that the said complaint was filed on 9.12.2010 against petitioners No. 1 to 3 as well as against Gurinder Singh and Surinder Singh (maternal uncles of deceased and husband of complainant) levelling similar allegations in which the impugned order has been passed.

After hearing both the learned counsel for the parties and going through the case file very carefully, I am of the view that since the same complaint against petitioner No. 1 to 3 and two others was filed and was investigated and out of which only two persons namely Anmol Singh and Varinder Kaur were challaned and the matter had been finally disposed of by a competent Court after recording the evidence, the continuation of the criminal complaint against the present petitioners on the same allegation is nothing but misuse of process of Court. There can be no second trial on the same facts.

Accordingly, complaint No.84 dated 9.12.2010 (Annexure P-1) titled as Gursharan Kaur vs. Virender Kaur and others alongwith summoning order dated 18.5.2013 (Annexure P-2) stands quashed.

**(KULDIP SINGH)
JUDGE**

January 29, 2015
Ishant