

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

**CRM-M-29077-2014 (O&M)
Date of decision : 14.05.2015**

Harjit Kaur

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

ANITA CHAUDHRY, J.

This is a petition filed under Section 482 Cr.P.C. for quashing the order dated 15.04.2014 (Annexure P-9), passed by the Judicial Magistrate Ist Class, Ludhiana in the proceedings initiated under Section 182 IPC instituted against the petitioner. The petitioner had moved an application under Section 311 Cr.P.C. for recalling the witnesses for further cross-examination which has been dismissed. Aggrieved by the same, present petition has been preferred.

It would be necessary to give the backdrop first. The petitioner was married to Manjit Singh. The petitioner's brother lodged a complaint with the police on 06.04.2011 that his sister had been thrown out of the house on 04.04.2011 and she was missing. Hardeep Kaur returned to her parental home and before the Panchayat she admitted that she had gone to her house on her own and did not want

to go back to matrimonial home. The police found that complaint was false and a DDR was registered under Section 182 Cr.P.C. against the petitioner, her brother and father.

Challan was presented and the prosecution had examined three witnesses and their cross-examination was also effected. Thereafter, the petitioner moved an application under Section 311 Cr.P.C. seeking recall of all the three witnesses for further cross-examination as according to them some vital questions were left out by the previous counsel. The application was dismissed on 15.04.2014.

I have heard both the sides.

The counsel for the petitioner contends that inadvertently certain material questions could not be put to the witnesses which were essential for the just decision of the case and they may be given one opportunity to cross-examine the witnesses.

Per contra, the submission made on behalf of the respondent was that the application has been moved just to delay the proceedings and sufficient opportunity had been granted and the application has been moved after about a year and it has not been disclosed as to what material was to be put to the witnesses.

Responding to the submission, counsel for the petitioner states that they are not in a position to reveal as to what material was to be put as that would enable the witnesses to be prepared in advance. The counsel submits that when notice of motion was issued, it was revealed to the Co-ordinate Bench.

The prayer made in the application only reads that "Three witnesses have been examined by the Court but inadvertently certain material questions could not be put to the witnesses which were essential for the just decision of the case and to carve out the truth".

The record reveals that examination in chief of Manjit Singh PW-1 was recorded on 27.01.2012, that of Inderjit Singh PW-2 on 31.03.2012 and Surjit Singh PW-3 on 26.04.2012. They were cross-examined on 26.04.2012. The present application was moved after a year on 22.03.2013. Neither the application nor in the submissions, the petitioner has been able to refer to the material which was left out which was to be put to the witnesses. The application is vague. The petitioner has not been able to justify their application even here. It appears that the sole purpose is to delay the proceedings. I find no illegality or infirmity in the order.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

14.05.2015
Sunil