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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32333-2013

Date of Decision : October 16th, 2015

Baljit Kaur and others

.... Petitioners

Versus

Kashmir Kaur

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. K.S.Kang, Advocate,
for the petitioners.

Mr. Ritesh Pandey, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure for quashing of Criminal Complaint No. 32 dated 27.2.2010 titled **Kashmir Kaur Vs. Gurjinder Singh and others** [Annexure P/1] under Sections 498-A and 406 IPC and for quashing of summoning order dated 21.05.2012 [Annexure P/2] passed by learned Judicial Magistrate Ist Class, Batala.

At the outset, learned counsel for the respondent raised an objection that the present petition under Section 482 Cr.P.C. is not maintainable as the remedy available as per law is to file a revision before the Court of Sessions under Section 397 Cr.P.C.

Learned counsel for the petitioners has raised certain points

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challenging the summoning order and the complaint itself, but certainly, all these pleas can be taken by way of revision petition before the Court of Sessions as per law laid down by Hon`ble Supreme Court in **Mohit alias Sonu and another Vs. State of U.P. and another, 2013 (3) R.C.R. [Criminal] 673**, wherein the Apex Court has observed that the complainant ought to have challenged the order by way of revision petition under Section 397 Cr.P.C. and not by invoking inherent jurisdiction of the High Court under Section 482 Cr.P.C.

In view of the above, this petition stands dismissed with liberty to the petitioners to avail the remedy of filing a revision petition before the Court of Sessions under Section 397 Cr.P.C.

(SHEKHER DHAWAN)
JUDGE

October 16th , 2015
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