

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

CRM-M No.30684 of 2015

Date of Decision:-24.09.2015

Harpreet Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. V.K. Sandhir, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner being complainant is aggrieved against the order dated 5.6.2014 (P-5) passed by the learned JMIC, Khanna in case FIR No.260 dated 15.10.2007 for offences punishable under Sections 323, 498-A, 406 and 120-B of Indian Penal Code registered with Police Station Sadar, Khanna, whereby the respondent nos.2 & 3 (*Jeth & Jethani*) of the petitioner have not been summoned and arrayed as additional accused to face trial which was further upheld by the learned Additional Sessions Judge, Ludhiana vide order dated 1.10.2014 (P-6), thereby dismissing the application under Section 319 Cr.PC.

The matrimonial dispute had given rise to the FIR and consequent trial before the Court, wherein the application was moved to summon respondent no.2 & 3 as additional accused. The allegations against the respondent nos.2 & 3 were there in the FIR as well. After thorough

investigation when the final report was submitted respondent nos.2 & 3 were found innocent who were found to be living separately.

The trial Court considered the application and had observed that in the matrimonial cases tendency has developed to rope in even distant relatives. In the present case, the respondent nos.2 & 3, are living separately and there is no specific instance mentioned by the complainant to indict them. The power under Section 319 Cr.PC is to be exercised rarely and sparingly, and there does not exist any such evidence compelling summoning the respondent nos.2 & 3 as an accused.

The order of the trial Court was put under challenge by way of revision and the revisional court has also affirmed the order of the trial Court. There is no illegality or impropriety in the order of the learned trial Court and the revisional Court has rightly refused to interfere.

In this backdrop, the petition under Section 482 Cr.PC would amount to second revision, which is prohibited by virtue of Section 397(2) Cr.PC. The case does not fall within the parameters of warranting interference under Section 482 Cr.PC and the order passed by the learned Courts below are in accordance with law and correct appreciation of facts and material before it.

Therefore, this Court is not inclined to interfere with the impugned orders dated 5.6.2014 (P-5) and 01.10.2014 (P-6) respectively.

Dismissed.

(JASWANT SINGH)
JUDGE

September 24, 2015
Vinay