

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

CRM-M No.32991 of 2015

Date of Decision:-28.09.2015

Smt. Savita.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Surender Deswal, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Complainant-wife has filed the present petition under Section 482 Cr.PC seeking quashing of order dated 20.05.2015 (P-2) passed by the learned Additional Chief Judicial Magistrate, Gurgaon whereby her application under Section 319 Cr.PC for summoning the Chacha, Chachi and their two sons in the pending trial against the husband and parents-in-law for offences punishable under Sections 498-A, 406, 323, 506 of Indian Penal Code registered with Police Station Sadar, Gurgaon has been dismissed; further challenge is to the judgment dated 20.07.2015 (P-1) whereby the revision filed against order dated 20.05.2015 (P-2) has also been dismissed by the learned Additional Sessions Judge, Gurgaon.

Learned Counsel for the petitioner has argued that the aforesaid four persons were named in the FIR by the complainant as also in her testimony and, therefore, both the orders at Annexures P-2 & P-1

respectively are liable to be set aside and the said accused be summoned to face trial as additional accused.

After hearing learned Counsel for the petitioner, this Court finds no merit in the present petition. The allegations made by the complainant-petitioner-wife qua the aforesaid persons who are relatives of the husband were thoroughly investigated by the police and were found innocent and thereby placed in column no.2 in the challan. Apart from the parrot like reiteration of the averments qua the said four persons during the testimony of the complainant, there is no other material on record to make out a case for summoning them as additional accused. The Courts below have rightly declined to summon them as additional accused since the Hon'ble Supreme Court has time and again noticed the tendency of the complainant party in a matrimonial disputes to unnecessarily rope in all the relatives of the husband.

In the facts of the present case, this Court finds no illegality or perversity in the impugned orders warranting interference by this Court.

Dismissed.

(JASWANT SINGH)
JUDGE

September 28, 2015
Vinay