

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

CRM-M No.6832 of 2015

Date of decision: 4th May, 2015

Rajindera Kumari

... Petitioner

Versus

Rameshwar Rana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Rajindera Kumari has invoked the jurisdiction of this Court under Section 482 Cr.P.C. for quashment of complaint (Annexure P1) pending before learned Judicial Magistrate 1st Class, Gurdaspur as well as summoning order dated 02.12.2014 (Annexure P2) whereby she has been summoned as an accused for commission of offences under Sections 500/506 IPC on the complaint of complainant Rameshwar Rana present respondent.

Heard Mr. Sandeep Arora, Advocate for the petitioner.

The Hon'ble Apex Court in '**State of Haryana v. Bhajan Lal**' (1992) SCC (Cr.) 622 had laid down the tests for exercise of inherent powers of this Court under the provisions of Section 482 Cr.P.C. and as a mark of sufficient caution has held that exercise of powers under these provisions to quash a criminal case should be resorted to 'sparingly with circumspection in the rarest of rare cases'. Furthermore, in another view in the case of '**State of MP v. Awadh Kishore Gupta and others**' 2003 AIR SCW 6501 it was laid down that it is not permissible for the Court at this juncture under these provisions to look into the material produced which is subject matter of appreciation and acceptability, a matter for consideration at the trial. The very prima facie allegations and the exercise of powers by the learned trial Court are based on the evidence before the trial Court. Merely as is sought to be projected that the accused and the complainant are from the same very Undertaking and that there is a personal rivalry and jealousy is no solace to the case of the petitioner.

From the Annexures P1 and P2 it can be reasonably and legitimately concluded that there are specific allegations levelled by the complainant and supported in his documentary evidence by way of Ex.C3, which is purported to be based on the allegations levelled by the petitioner in her statement made before the Inquiry Officer of a gazetted status of the police. The own documents of the petitioner addressed to the Senior Superintendent of Police from which she cannot wriggle out by way of Ex.C4 to Ex.C7 are prima facie evident in support of these allegations which bear out commission of an offence.

Thus, none of the eventualities as to being a misuse of the process of the Court or to do substantial justice are made out in favour of the petitioner.

Even otherwise the petitioner ought to have invoked jurisdiction of the learned trial Court in terms of Section 245 Cr.P.C. and prayed for her discharge, if any eventuality so arises and the prima facie allegations and the evidence led on the record clearly disclose commission of an offence and though the learned Magistrate has framed charges and proceeded ahead into the trial against the petitioner, is another distressing feature that goes against the petitioner and at this juncture it would be too preposterous to interfere in these proceedings and therefore, finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 4, 2015
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