

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 1869 of 2014

Date of Decision: January 22, 2015

Savita

.....Petitioner

Vs.

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Suneel Ranga, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl.A.G., Haryana.

Mr. Naresh Kaushik, Advocate.

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M.M.S. BEDI, J. (ORAL)

Counsel for respondent No.2 states that the trial having been concluded the petition has become infructuous.

Counsel for the petitioner submits that the proceedings are permitted to be concluded subject to final decision in the present petition.

In the present case, the application under Section 319 Cr.P.C. filed for summoning respondents No.2 and 3 in case under Sections 376, 372 IPC was dismissed by the trial Court. Respondent No.2, father-in-law,

allegedly tried to rape the prosecutrix on September 13, 2013. Respondent No.3 is mother-in-law who had allegedly facilitated the attempt made by respondent No.2.

I have considered the facts and circumstances of the case. Respondents No.2 and 3 were found innocent by the police during the course of investigation. Application for summoning them as co-accused was dismissed by a detailed order passed by learned trial Court. The probability of mother-in-law facilitating attempt of rape by her husband, who is father-in-law of the prosecutrix is on the face of it improbable but had it been the allegation that it is only respondent No.2 who made an attempt of rape, the circumstances would have been different. The involvement of respondent No.2 alongwith respondent No.3 is indicative of prima facie over-zealous attitude of the complainant to array the family members of her husband.

No ground is made out to interfere.

Dismissed. Nothing mentioned in this order will prejudice the rights of the parties.

January 22, 2015
sanjay

(M.M.S.BEDI)
JUDGE