

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

CRM M-19444 of 2015

Date of decision : 10.05.2016

Promila

....Petitioner

V/s

Vidya Dhaka

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sajjan Singh Malik, Advocate for the petitioner.

Mr. R.S. Takoria, Advocate for the respondent.

RAJAN GUPTA J.

Petitioner has prayed for quashing of complaint no. 281/30.9.2010/1.6.11 titled as '*Smt. Vidhya Dhaka vs. Promila & anr.*' pending in the court of Civil Judge (Jr. Division) cum-Judicial Magistrate Ist Class, Rohtak, whereby she has been summoned and charges framed pursuant thereto. This apart, petitioner has also prayed for quashing of further proceedings.

Order has been impugned on the ground that court below has not appreciated the controversy in correct perspective. Pleas raised by the petitioner have been ignored from consideration. According to him, no offence is made out against the petitioner and she has been falsely implicated in the instant case. Thus, impugned orders deserve to be quashed.

Learned counsel representing the respondent has opposed the prayer. He submits that against the summoning order, petitioner has not preferred any revision.

I have heard learned counsel for the parties.

It appears that a complaint was filed by Vidya Dhaka (respondent herein) against the petitioner. She alleged that she was posted as Principle in Govt Girls Sr. Secondary School, Rohtak since 2003. On 02.08.2010 at about 7.00 p.m. she received a call from one Nanhi (peon) who informed her that Promile and Sushila Bura were tampering with the school records after stealing the keys of Principal office. On the next date when she reached the school, she found that Promile (petitioner herein) had written her suspension order in the attendance register posing herself to be In-charge of the school on that day. An amount of ₹11,500/- and ₹530/- were also found missing from drawer of her table. Thereafter, respondent reported the matter to various authorities but no action was taken which necessitated her to file complaint under section 190 Cr.P.C. before Chief Judicial Magistrate, Rohtak. On the basis of evidence and material adduced by complainant before the Chief Judicial Magistrate, Rohtak, it summoned the petitioner and framed charges under sections 170/454/468/423 IPC vide order dated 16.05.2015. I find no infirmity with the orders passed. It is well settled that at the stage of framing of charge, trial court has to see whether prima facie case is made out against the accused or not. It cannot be said at this stage that no offence is made out against the petitioner. No case has been made out for differing with the conclusion arrived at by the court below. There is no merit in the petition. Dismissed.

May 10, 2016

Ajay

(RAJAN GUPTA)
JUDGE