

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-20871 of 2015
Date of decision : 13.07.2016

Smt. Munni Devi
versus
....Petitioner

Lakshmi Devi and others
...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ramandeep Singh, Advocate
for the petitioner

Mr. Anmol Malik, A.A.G, Haryana

RITU BAHRI, J. (Oral)

In the present petition filed under Section 482 Cr.P.C, prayer is for setting aside impugned orders dated 27.03.2015 and 16.02.2013 vide which respondent Nos. 1 and 2 who have been arrayed as an accused, have not been summoned under Section 319 Cr.P.C in criminal complaint No. 164-1 of 2012.

The present petitioner initiated complaint against four accused including respondent Nos 1 and 2, only Deepak Kumar and Punit Kumar have been summoned under Sections 354/452/34 IPC and respondent Nos. 1 and 2 who were part of the conspiracy were not summoned. As per complaint on 12.08.2011, the complainant/petitioner had received calls on her mobile from unknown mobile Nos. 98889-89681 and 95016-63428. The caller who disclosed his name as Deepak and started talking obscene things. Despite protest by the complainant, accused continued with his said act. Punit Kumar-accused also joined in making obscene calls to the petitioner/complainant. Thereafter, on the same day, they trespassed into the

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house of the complainant with an intention to rape her but complainant by showing her courage pushed them and thereafter, accused fled away from the scenes giving threats to kill and implicate her in some criminal case. Thereafter, accused lodged complaint against complainant/petitioner, her husband and son and one Rinku by Smt. Luxmi Devi (sister of accused Punit) at Police Station Kalanwali where ASI Ram Kumar who was part of the conspiracy started proceedings against complainant etc and challaned them under Sections 107/151 Cr.P.C.

In a complaint filed by the petitioner, the learned trial Magistrate summoned accused Deepak Kumar and Punit under Sections 354/452/34 IPC but the prayer of the petitioner for summoning Luxmi Devi and ASI Ram Kumar was declined on the ground that the allegation of making criminal trespass had been attributed to Deepak Kumar and Punit in the report under Section 202 Cr.P.C.

On notice, a reply has been filed by respondent No. 3 stating therein that on 12.08.2015, a ruqa regarding the medical examination of the petitioner was received in the police station and her statement was recorded on 13.08.2011 at Government Hospital, Sirsa and after recording her statement, rapat No. 23 dated 13.08.2011 was entered with Police Station Kalanwali and during investigation, both the parties abused each other and proceedings under Section 107/151 Cr.P.C was carried out against the accused persons namely Rinku Kumar, Sunny Kumar @ Sonu, present petitioner, vide DDR No. 16 dated 17.08.2011 for offence under Section 107/151 Cr.P.C and accordingly, they were produced before the SDM, Dabwali and at the time of proceedings, neither Sunny nor petitioner had uttered a single word regarding the minority/juvenile of Sunny. All the

accused were arrested on 17.08.2011 and were produced before SDM, Dabwali on the same day and information about their arrest were conveyed to their family members. Besides this, at the time of furnishing surety bonds before the concerned trial court, the accused Sunny mentioned his age of 19 years (A-1 and A-II)

Keeping in view the sequence of events and the detail reply filed by respondent No. 3, no ground is made out to set aside orders dated 27.03.2015 and 16.02.2013.

The petition stands dismissed.

13.07.2016
G Arora

(RITU BAHRI)
JUDGE