

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

CRM-M-23060-2016

Date of decision: 13.07.2016

Babita

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Davinder Bir Singh, Advocate,
for the petitioner.

Ritu Bahri, J.

The petitioner is seeking quashing of the order dated 04.09.2015 (Annexure P-4) passed by the Judicial Magistrate, Ist Class, Ludhiana and order dated 18.05.2016 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana, whereby application filed by the petitioner under Section 319 Cr.P.C. for summoning of respondent Nos.2 to 6 as additional accused, has been dismissed.

The FIR (Annexure P-1) was registered on the basis of complaint made by Sh. Ramesh Pal Sharma, father of Babita-petitioner against her husband Saurav Kalia, father-in-law Satish Kalia, mother-in-law Neeru Kalia, aunt Usha Kalia, brother-in-law Vani Kalia, sister-in-law Isha Kalia, Neeraj Sharma and Sonika Sharma. After investigation, challan was presented against Saurav Kalia, Satish Kalia and Neeru Kalia. Rest of the accused were kept in column No.2 of the report under Section 173 Cr.P.C. After framing of charges, Babita-petitioner (PW-1) was partly examined-in-chief on 28.04.2015 (Annexure P-2). Her further examination-in-chief was

deferred as she wanted to make an application under Section 319 Cr.P.C.

As per her statement (Annexure P-2), she has alleged that all the accused put phenyl pills in her mouth. She has further stated that private respondent Nos. 2 to 6 used to interfere in her matrimonial life. They used to instigate her in-laws to treat the petitioner with cruelty for demand of dowry. Both the Courts below have dismissed the application of the petitioner.

A perusal of the examination-in-chief of Babita-petitioner shows that there are specific allegations against the private respondents that they have forcibly gave her phenyl pills. However, there was no medical evidence to this effect. In the absence of any evidence, the allegations are general in nature and mere statement that they had forcibly put phenyl pills in her mouth, is no ground to summon them under Section 319 Cr.P.C. to face trial as additional accused. The application of the petitioner has been rightly dismissed by both the Courts below, as the private respondents could be summoned only if, the Court is satisfied that there was possibility of their conviction.

In view of the above, no ground is made out to interfere in the impugned orders.

Dismissed.

13.07.2016
ajp

(RITU BAHRI)
JUDGE