

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24038-2016

Date of Decision:- 02.08.2016

Shweta Monga

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amrainder Singh, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present petition is against the order dated 05.07.2016 (Annexure P-1) passed by the learned Additional Sessions Judge, Ambala upholding the order dated 04.05.2016 passed by learned JMIC, Ambala, vide which the application under Section 319 Cr.P.C. in FIR No.178 dated 25.09.2009 under Section 323, 506, 406 and 498-A IPC, for summoning the additional accused has been dismissed.

Learned counsel for the petitioner submits that though the present FIR has been lodged against accused Kaushalya and Kritika yet the said persons were not arrayed as accused. Thereafter, an application under Section 319 Cr.P.C. was filed to summon them, however, the learned trial Court has dismissed the same, vide order dated 04.05.2016. Revision against the said order has also been dismissed, vide order dated 05.07.2016, by the Additional Sessions Judge, Ambala. So, the impugned orders are

liable to be set aside.

Persual of order dated 04.05.2016 (Annexure P-2) passed by JMIC, Ambala, shows that no specific allegations have been levelled against the accused with regard to demand of dowry articles and the same are not sufficient to summon the accused.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Courts below have rightly dismissed the application and the same have been passed after appreciating the evidence in the correct prospective and does not require any interference. Such orders, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned orders deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

August 02, 2016
naresh.k

(RITU BAHRI)
JUDGE