

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

CRM-M No.33281 of 2013

Date of decision: 5th May, 2016

Jaswinder Kaur @ Rano and others

... Petitioners

Versus

Surinder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Ashish Pannu, Advocate
for the respondent.

FATEH DEEP SINGH, J.

Petitioners, who have been summoned vide orders dated 19.11.2012 (Annexure P2) by the Court of Judicial Magistrate 1st Class, Ludhiana as accused for commission of offences under Sections 500/501/509/120-B IPC, have sought to exercise provisions of Section 482 Cr.P.C. seeking quashment of the complaint so instituted (Annexure P1) as well as summoning orders.

Heard Mr. Rahul Rampal, Advocate for the petitioners and Mr. Ashish Pannu, Advocate for the respondent.

Contentions of learned counsel for the petitioners that initially petitioner No.4 Ramandeep Kaur has got registered against her

husband Paramjot Hunjan and others including the present complainant Surinder Kaur, a criminal case by way of FIR No.160 dated 17.09.2009 under Sections 406/498-A IPC at Police Station Dirbbha, District Sangrur (Annexure P3), and who has filed the present complaint and thus sought to highlight that the present complaint is a counterblast to the said initial case by her and hence quashment of the same.

These submissions are opposed by Mr. Ashish Pannu, Advocate on behalf of the respondent arguing that the learned Magistrate after appraising evidence led by the complainant had come to the conclusion by exercise of powers under Section 202 Cr.P.C. and therefore, at this juncture such a redressal was uncalled for.

Going through the arguments of the two sides, by now it is well settled law reference of which can be taken note of the ratio **‘Urmila Devi v. Yudhvir Singh’ 2013(4) RCR (Criminal) 899**, that a revision lies against the summoning order and to which there has been no recourse adopted by the petitioners nor learned counsel for the petitioners could convince this Court. Had it been so, they could have also approached the Court below in terms of Section 245 Cr.P.C. seeking their discharge and which too has never been availed of by the petitioners before coming to this Court. The law as to the exercise of powers under Section 482 Cr.P.C. has been well laid down in **‘State of Haryana and others v. Ch.Bhajan Lal and others’ 1992 AIR SC 604**,

and therefore unless or until there are exceptional circumstances to meet the ends of justice till then the courts need to be slow in exercising such an indulgence. More so, can the petitioners avoid compliance of orders of the Magistrate in summoning them by straightaway coming to this Court without putting in appearance before the trial Court, would certainly tantamount to gross indiscipline and circumvention of the rule of law. The petitioners to show their bona fide need to have put in appearance before the learned Magistrate in compliance of the summoning orders and thereafter can raise all these issues.

Since the question as to whether it is a counterblast to the criminal case lodged by one of the petitioners, who happens to be daughter-in-law of the complainant in the complaint case, are matters of evidence which cannot be appreciated by exercise of powers under Section 482 Cr.P.C. as the Courts need to be slow in doing so in the light of position of law laid down in **State of Haryana and others v. Ch.Bhajan Lal's case (ibid)**. Since the Code of Criminal Procedure provides appropriate remedy to the petitioners thus, having recourse to the provisions of Section 482 Cr.P.C. needs to be discouraged for which reliance is placed on '**Mohit @ Sonu and another v. State of UP and others**' 2013(3) RCR (Criminal) 673.

Thus, in the totality of what has been detailed and discussed above, apparently there is no merit in the instant petition and the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 5, 2016

rps

Whether to be referred to the Reporters or not?