

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

Sr. No. 258

CRM-M-36255-2012 (o&m)

Date of Decision : 10.08.2016

Bant Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Puneet Malik, Advocate for
Mr. Sandeep Jaltan, Advocate
for the petitioners.

Mr. Kuldeep Tewari, Addl. A.G., Haryana.

Mr. Sanjiv Kumar Birla, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 of Cr.P.C for quashing the summoning order dated 06.10.2012 passed by CJJD, Panchkula qua the petitioners under Sections 494, 506 and 120-B of IPC.

The allegation levelled by the complainant was that his wife got married to some other person without getting divorce from him. The

petitioners are the father and two brothers of the wife. The only allegation against these petitioners is in paragraph 12 which is quoted herein below :-

“That the accused Nos. 2 to 4 who are the father and brothers of the accused No.1 have full knowledge about the fact that the accused No.1 has not legally divorced the complainant and they have further remarried accused No.1 with the accused No.5 intentionally and malafidely by hatching a criminal conspiracy and as such, all the accused persons have committed the offence punishable under Sections 494, 506 and 120-B IPC of Indian Penal Code.”

Learned counsel for the petitioners has argued that the wife of the complainant was an adult and even if for the sake of argument it is admitted that she has got married to another person, the petitioners have no role to play therein. He has relied upon **“Om Parkash Sharma and others Vs. Jagatjit Singh Ahluwalia 2009 (2) RCR (Criminal) 496,”** wherein this Court after relying upon **“Sham Singh Vs. Sarbjit Kaur, 1998 (3) RCR (Criminal) 78”** held that the relatives of the spouse can never be summoned under Section 494 IPC but can only be summoned under Section 109 of the IPC for abetment.

Learned counsel for the complainant-respondent No.2 is not in a position to cite any contrary judgment.

In the circumstances, the impugned order 06.10.2012 can not be sustained and is consequently set aside.

This petition stands disposed of.

August 10, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No