

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

CRM No.M-40880 of 2013 (O&M)

Date of Decision: August 10, 2016

Pyara Singh and another

...Petitioners

VERSUS

Ushna

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Kumar Singla, Advocate
for the petitioners.

None for the respondent.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of criminal complaint No.21 of 23.08.2010 titled as “Ushna vs. Darshan Singh etc.”, summoning order dated 01.11.2012 passed by learned Judicial Magistrate Ist Class, Sunam, judgment dated 25.10.2013 passed by learned Addl. Sessions Judge, Sangrur vide which the revision filed by the petitioners against the summoning order, was dismissed and all the subsequent proceedings arising therefrom.

Notice of motion was issued. Though, learned counsel for the respondent appeared on earlier dates but from the last so many dates and today also, none appeared on behalf of the respondent.

I have heard learned counsel for the petitioner and have gone

through the record.

From the record, I find that a complaint was filed by complainant Ushna against Darshan Singh, Piara Singh, Resham Kaur etc. under Sections 498-A, 406, 323 and 506 IPC. As per the allegations in the complaint, Ushna was married with Darshan Singh on 24.07.2009. It is stated that at the time of marriage, one Box bed, table, dining table and other articles were given as *Istridhan* and gold ornaments were also given to the complainant. One gold ring and one *karra* were also given to accused No.1 and one gold ring each to accused No.2 to 5 were also given along with costly clothes. It is further stated that these articles were handed over to the accused at the time of marriage. Out of the wedlock, one boy namely Irfan Khan was born.

Accused No.1 Darshan Singh is husband of the complainant and present petitioners are father-in-law and mother-in-law of the complainant. There is also allegation regarding giving beating etc. by accused No.1 on the instigation of accused No.2 and 3 i.e. present petitioners. Learned JMIC, Sunam, vide order dated 01.11.2012 summoned the accused under Sections 498-A and 406 IPC. Against the summoning order, a revision was filed by the petitioners, which was also dismissed by learned Addl. Sessions Judge, Sangrur vide judgment dated 25.10.2013.

The only argument of learned counsel for the petitioners is that the summoning order is non-speaking. I have perused the summoning order. Learned JMIC, Sunam has given the detailed facts of the case and has stated that the complainant herself stepped into witness box as CW-1 and has examined Navdeep Singh as CW-2, Jagroop Singh as CW-3 and Baldev Singh as CW-4 and held that after evaluating the preliminary evidence available on the record, the Court finds sufficient grounds for

summoning all the accused for offences punishable under Sections 498-A and 406 IPC. In no way, it can be held that the Court has not applied judicial mind. When the facts have been given in detail in the order and then the Court found sufficient grounds from the preliminary evidence to proceed, then in no way, the summoning order can be held as non-speaking nor it can be held that learned Magistrate has not applied judicial mind. No illegality has been committed by the learned Court below while passing the summoning order. At the time of summoning the accused, the Court is only to proceed further by holding that there are sufficient grounds for summoning the accused. From the averments of the complainant as well as statements of the witnesses to the same effect, shows that there are sufficient grounds for proceeding against the accused. Similarly, the judgment dated 25.10.2013 passed by learned Addl. Sessions Judge, Sangrur, dismissing the revision petition filed by the petitioners, is also as per evidence and law. No ground is made for quashing of the criminal complaint. In no way, it can be held that filing of criminal complaint in question, is misuse of process of law and amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

August 10, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No