

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

**Crl. Misc. No. M-7881 of 2016(O&M)
Date of decision : 05.09.2016**

Rajiv Goel & Anr.

... Petitioners

versus

Suman Rani

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment?
Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

**Present: Mr. Satish Goel, Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

The petitioners are seeking quashing of Criminal Complaint (Annexure P-1) filed by the respondent against them under the provisions of Protection of Women from Domestic Violence Act, 2005 pending in the Court of Addl. Chief Judicial Magistrate, Kurukshetra.

Two fold submission was made on behalf of learned counsel for the petitioners that the respondent is lingering on the proceedings just to harass them and the continuation of criminal proceedings against them is bad in law especially when on the same set of allegations the petitioners were acquitted in a case registered by the respondent under Sections 406 and 498-A IPC.

Status report was called from the trial Court, which is indicative of the fact that there is headway in the trial and the matter is being taken up by giving short dates. The second ground on which the proceedings are sought to be quashed is purely a disputed question of fact

dependent upon the evidence that will be adduced by the parties and it is for the trial Court to evaluate and consider the factum of acquittal of the petitioners in FIR case. This Court refrains from commenting thereupon as it will prejudice the parties on merits. It is admitted position that the petitioners never questioned their summoning in the complaint before the Sessions Court and has filed the instant petition under Section 482 Cr.P.C. and in the considered opinion of this Court, the facts of the case are not such that warrant interference of this Court under Section 482 Cr.P.C. The powers under Section 482 Cr.P.C. have to be exercised sparingly and with circumspection, that too in rarest of rare cases, which do not exist in the present case.

No ground for quashing is made out. The petition is dismissed. Whatever has been stated hereinabove is without prejudice to the case on merit. The petitioners will be at liberty to raise all the pleas before the appropriate forum and at the appropriate stage.

September 05,2016
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No