

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

CRM No.M-13032 of 2016 (O&M)

Date of decision: 30.03.2017

Kasida and others

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioners.

REKHA MITTAL J. (Oral)

CRM No.11080 of 2017

Heard.

Allowed as prayed for.

Annexure P4 (Colly.) is taken on record subject to just exceptions.

Disposed of accordingly.

CRM-M No.13032 of 2016 (O&M)

The petitioners have invoked Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of complaint No.513 dated 13.12.2012 titled '*Smt. Samina vs Smt. Kasida and others*' pending in the Court of Chief Judicial Magistrate, Nuh, District Mewat, summoning order dated 09.07.2015 (Annexure P2) and order dated 08.01.2016 (Annexure P3) passed by the Revisional Court to the extent the revision petition has been dismissed.

Counsel for the petitioners would submit that with regard to alleged occurrence dated 13.07.2012, DDR No.5 was registered on

31.07.2012 but after investigation, allegations raised in the DDR were found to be false. It is further submitted that respondent No.2 filed private complaint (Annexure P1) wherein the Court called for a report under Section 202 Cr.P.C. and the police submitted the report with the findings that the complaint is totally false. It is vehemently argued that the summoning Court without adverting to the report submitted under Section 202 Cr.P.C. ordered for summoning of the petitioners for various offences though the order passed by the trial Court was partially modified by the Revisional Court whereby summoning for offence under Sections 325 and 316 IPC was set-aside. It is vehemently argued that respondent No.2 has filed a false complaint and criminal proceedings lodged at her behest are nothing but abuse and misuse of process of law, thus, liable to be quashed.

I have heard counsel for the petitioners and perused the paperbook particularly various annexures appended with the petition.

Be that as it may, it is settled position in law that at the stage of summoning a person as an accused in a criminal complaint, the Court has to examine truth or falsity of allegations but cannot scrutinize the matter deeply in order to ascertain if the materials on record would lead to conviction of persons sought to be summoned. Equally settled is that this Court cannot appreciate the factual controversy in exercise of jurisdiction under Section 482 Cr.P.C. The mere fact that the police has found the allegations to be false cannot debar the Court from taking cognizance of the offence if the Court is satisfied that a prima facie case is made out against the persons sought to be indicted in the crime.

So far as the plea of the petitioners that the Court has not

considered the report submitted under Section 202 Cr.P.C., the same is highly mis-conceived in view of the observations recorded by the summoning Court in the last sub-para of para 5 of the order dated 09.07.2015 wherein the Court has recorded tangible reasons for its disagreement with the report submitted under Section 202 Cr.P.C.

For the foregoing reasons, finding no merit, the petition is dismissed *in limine*. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case nor it would cause prejudice to either of the parties in the proceedings before the Court below.

(REKHA MITTAL)
JUDGE

30.03.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No