

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

**CRM No.M-12122 of 2015 (O&M)**

**Date of Decision: October 30, 2017**

Palwinder Kaur

...Petitioner

VERSUS

Sawinder Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Navjeet Sodhi, Advocate  
for the petitioner.

Mr.Ashish Pannu, Advocate  
for respondents No.1 to 5.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab  
for the respondent-State.

\*\*\*\*

**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. against Sawinder Kaur and other respondents, for quashing the impugned order dated 17.04.2013 passed by learned Judicial Magistrate Ist Class, Gurdaspur, vide which the complaint filed by the petitioner was dismissed qua respondents No.1 to 5 namely Sawinder Kaur (mother-in-law), Kuldip Singh (Jeth), Kamaljit Kaur (Jethani), Narinder Kaur and Karamjit Singh (Mediators) and also for quashing the judgment dated 08.12.2014 passed by learned Sessions Judge, Gurdaspur, vide which the revision filed by the petitioner challenging the order dated 17.04.2013 was dismissed.

Notice of motion was issued. Learned counsel for respondents

No.1 to 5 as well as learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the FIR has been lodged by the complainant under Section 498-A IPC etc. and challan was presented only against Baljit Singh, husband of the complainant and other accused-respondents No.1 to 5 of this petition have not been summoned and their names have been kept in column no.2. The complainant filed a separate complaint against all the accused on the similar facts and on the same cause of action. Learned JMIC, Gurdaspur, only summoned Baljit Singh husband of petitioner and complaint qua respondents No.1 to 5 i.e. Sawinder Kaur (mother-in-law), Kuldip Singh (Jeth), Kamaljit Kaur (Jethani), Narinder Kaur and Karamjit Singh (Mediators), was dismissed. A revision was filed by the petitioner, which was also dismissed by learned Sessions Judge, Gurdaspur, vide impugned judgment dated 08.12.2014.

Learned counsel for respondents No.1 to 5 argued that order and judgment passed by the Courts below are correct as per the law laid down by the Hon'ble Supreme Court in ***Jile Singh vs. State of U.P. and another, 2012(1) RCR (Criminal) 583***, in which, person was named in the FIR in murder case but charge-sheet was not filed by the police and it is held that such a person cannot be summoned as accused on private complaint filed by aggrieved person under Section 200 Cr.P.C. The person could be summoned by following the procedure under Section 319 Cr.P.C.

I have gone through the above-cited judgment and the same fully applies to the facts of the present case. The only remedy with the

petitioner is to file application under Section 319 Cr.P.C. before the trial Court in the State case. It is also argued by learned counsel for respondents No.1 to 5 that application filed by the petitioner has already been dismissed by the trial Court.

In view of the law laid down as stated above, I find that the order and judgment passed by the Courts below are correct, as per law and no illegality has been committed by the Courts below.

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

**October 30, 2017**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**