

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13878-2016 (O&M)

Date of Decision:- 01.05.2017

Anjli

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Narender Singh Kamboj, Advocate,
for the petitioner.**

Ms. Mahima Yashpal, AAG, Haryana.

**Mr. Pradeep Panwar, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 09.03.2016, passed by learned Judicial Magistrate 1st Class, Karnal, vide which application filed by the petitioner under Section 311 Cr.P.C. for recalling the prosecution witnesses has been dismissed.

Perusal of impugned order shows that the compromise was effected between the parties on 25.01.2016 and thereafter on 19.02.2016 and 01.03.2016, accused No.1 gave severe beatings to the complainant and threatened to shunt her from matrimonial house.

Learned counsel for the petitioner has placed on record the medical report (Annexure P-2) with regard to the incidents dated 19.02.2016 and 01.03.2016.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the above-said incidents have occurred after 25.01.2016 i.e. after compromising the matter and the application under Section 311 Cr.P.C. has been wrongly dismissed by the trial Court and the complainant have a right to examine again with regard to allegations of beatings especially in view of the medical report (Annexure P-2).

Accordingly, the present petition is allowed and impugned order dated 09.03.2016, passed by learned Judicial Magistrate 1st Class, Karnal, is hereby set aside and the trial Court is directed to give one effective opportunity to the petitioner to get her statement recorded.

May 01, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No