

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-1954 of 2014(O&M)

Date of Decision: 25.5.2017

Mohinder Pal and others

---Petitioners

versus

Baljit Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Arvind Galav, Advocate
for the petitioners

Mr. Ashok Giri, Advocate
for respondent No.1

Mr. Mikhail Kad, AAG, Punjab

Rekha Mittal, J.

CRM- 13478 of 2017

Allowed as prayed for.

Annexures P/4 (Colly) to P/8 (Colly) are taken on record
subject to just exceptions.

CRM-M- 1954 of 2014

By invoking Section 482 of the Code of Criminal Procedure (in short "Cr.P.C."), the petitioners pray for quashing of complaint No. 164/1/12 dated 27.8.2011 titled "Baljit Kaur vs. Purshotam Lal and others" under Sections 406, 498-A, 323, 324, 506 of the Indian Penal Code (in short "IPC") pending in the Court of Judicial Magistrate Ist Class, Jalandhar, summoning order dated 14.1.2013 (Annexure P-2) and order dated

14.10.2013 (Annexure P-3) passed by the revisional court affirming the summoning order.

Counsel for the parties are ad idem that as the trial court did not record evidence during preliminary enquiry by examining the witnesses and has taken into consideration affidavits of the witnesses, summoning order (Annexure P-2) and revisional order (Annexure P-3) may be set aside and the matter may be remitted to the trial court for proceeding with the case from the stage of conducting preliminary enquiry *de novo*.

In view of the above, the present petition is disposed of. Summoning order dated 14.1.2013 (Annexure P-2) and order dated 14.10.2013 (Annexure P-3) passed by the revisional Court are set aside and the matter is remitted to the trial court for conducting preliminary enquiry afresh and to proceed with the case, in accordance with law. However, it is clarified that the petitioners shall not be entitled to have an opportunity of hearing at the pre process stage.

(Rekha Mittal)
Judge

25.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No