

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24353-2017

Date of decision: 12.07.2017

Buta Singh

..... Petitioner

Versus

Madhu

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Prateek Pandit, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. In the instant petition under Section 482 Cr.P.C., prayer has been made for quashing of Complaint No. 6332 of 07.12.2010, "Madhu Vs. Buta Singh and another" (Annexure P-1), filed under Sections 304-B, 302, 120-B, 218, 219 of the Indian Penal Code (for short 'IPC'), pending in the Court of learned Additional Sessions Judge, Kapurthala; summoning order dated 24.02.2016 (Annexure P-9) and the order dated 20.01.2017 (Annexure P-17), whereby the petitioner was charge-sheeted under Section 302 IPC.

2. Learned counsel for the petitioner contends that Jyoti daughter of the complainant/respondent-Madhu, had died in the years 2010 in the house of the petitioner. The complainant has moved a complaint to the police that her daughter-Jyoti had died on account of administering some poisonous substance by the petitioner. During investigation, no poisonous substance was found to have been consumed by deceased-Jyoti.

Accordingly, the police recommended for filing the complaint, vide enquiry report dated 10.11.2010 (Annexure P-7) and, therefore, the petitioner has wrongly been summoned and charge-sheeted by the learned trial Court in a private complaint.

3. Admittedly, the trial is in progress before the trial Court, after framing charge against the petitioner. In the considered opinion of this Court, all the grounds raised herein by the petitioner shall be urged and taken up by him before the learned trial Court during trial in his defence. Hence, finding no merit in the instant petition, the same is dismissed.

July 12, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No