

CRM-M-26063 of 2017

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

CRM-M-26063 of 2017  
Date of Decision: 24.07.2017

Jasmeet Kaler

....Petitioner

Versus

Rajbir Kaur

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. M.S. Khaira, Sr. Advocate, with  
Mr. D.S. Ranedhawa, Advocate, for the petitioner.

**RAMENDRA JAIN, J. (ORAL)**

Prayer in the instant petition under Section 482 Cr.P.C. has been made to quash the complaint No.1002/2 dated 29.05.2010 (Annexure P-2) under Section 138 of the Negotiable Instruments Act titled as “Rajbir Kaur v. Jasmeet Kaler”, pending before learned Judicial Magistrate Ist Class, Ludhiana; summoning order dated 02.08.2010 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Ludhiana and order dated 16.05.2017 (Annexure P-5) passed by revisional Court dismissing the revision of the petitioner.

Learned counsel for the petitioner contends that earlier the petitioner had approached this Court to quash the summoning order 02.08.2010 by way of CRM-M-28924 of 2010, which was disposed of by this Court vide order dated 13.10.2015 relegating the petitioner to exhaust her alternative remedy before the revisional Court and if necessity arises to

approach this Court again. Pursuant thereto, the petitioner approached the learned Additional Sessions Judge, Ludhiana by way of revision bearing

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No.33 of 2015, which has been dismissed illegally vide impugned order dated 16.05.2017 (Annexure P-5) without considering the arguments raised on behalf of the petitioner. The petitioner lives in U.K. and cannot be extradited in such type of matters, but since she is a law abiding person, therefore, has approached this Court for quashing the impugned complaint and summoning order. The petitioner was married to the son of the respondent, but due to their temperamental difference they divorced each other and with that grudge, the mother-in-law of the petitioner has filed the instant false complaint against the petitioner under Section 138 of the Negotiable Instruments Act.

I have given thoughtful consideration to the submissions made by learned counsel for the petitioner.

Admittedly, the petitioner approached this Court in the year 2010 by way of CRM-M-28924 of 2010 for quashing the impugned summoning order, but not relief was granted to her, meaning thereby this Court declined to quash the summoning order. The revision of the petitioner has also been dismissed by learned Additional Sessions Judge, Ludhiana vide impugned order dated 16.05.2017 (Annexure P-5) and perusal of the same shows that all the arguments raised by learned counsel for the petitioner have been dealt with completely by the revisional Court while dismissing the revision of the petitioner.

The arguments raised by learned counsel for the petitioner could not convince this Court as to how a summoning order can be quashed in subsequent proceedings, when the same relief was not granted to the petitioner in the earlier similar petition filed way back in the year 2010 and disposed of in the year 2015. The filing of the present petition is completely

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an abuse of process of law inasmuch as the petitioner can raise and prove all the defences available to her in her defence evidence. Therefore, filing of the present petition is not an appropriate remedy.

In view of the discussion above, present petition is dismissed.

July 24, 2017  
R.S.

(RAMENDRA JAIN)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |