

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

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Crl. Misc. No. M 28651 of 2016
Date of decision: 10.01.2017

Renu and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Gaurav Sharma, Advocate
for the petitioners (Legal Aid Counsel)

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Rekha Mittal, J. Oral)

Renu and Harjit Kaur daughters of late Nirmal Singh have filed the present petition under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.') for quashing of complaint No. 15 dated 25.04.2014 (Annexure P1), summoning order dated 04.01.2016 passed by the trial Court and order dated 02.06.2016 (Annexure P4) passed by the Additional Sessions Judge, Patiala.

Counsel for the petitioners has submitted that initially, respondent No.2/complainant had given an application to the Director General of Police, Punjab, on the basis whereof, a detailed inquiry was conducted by the SHO, Women Cell, Patiala and the allegations levelled by the complainant were found to be baseless. It is further submitted that the present complaint was filed after expiry of three years from the proceedings conducted by the police. Another submission made by Counsel is that list

of dowry articles Ex.CI bears title of some other case. The last submission made by counsel is that the complainant has levelled general and vague allegations against the petitioners, sisters of husband of the complainant.

I have heard counsel for the petitioners and perused the paper book particularly the summoning order passed by the Judicial Magistrate and order passed by the revisional Court affirming the summoning order.

The petitioners are unmarried sisters of Kulwinder Singh husband of Rajwinder Kaur. They are residing in the same house in which the complainant and her husband had been residing. It appears that parents of Kulwinder Singh are no more. Any inquiry conducted by the police can be used in defence at an appropriate stage of the proceedings. However, a plea in defence cannot be taken into consideration at this stage for seeking quashing of criminal proceedings. This apart, the Court cannot go into the question of truth or falsity of the allegations for deciding quashing petition, as has been so held by Hon'ble the Supreme Court in ***State of Haryana and others v. Ch. Bhajan Lal and others, AIR 1992 Supreme Court 604.*** Further more, at summoning stage, the Court has to examine if there is a *prima facie* case but without taking into consideration a plea that may be raised in defence. Taking into consideration the facts and circumstances of the present case, I do not find any reason to interfere in the summoning order much less to quash the proceedings qua the petitioners.

For the foregoing reasons, the petition fails and is accordingly dismissed.

However, nothing stated in this order shall prejudice final adjudication of the matter by the trial Court. The petitioners are left at

liberty to file an appropriate application before the trial Magistrate seeking exemption from personal appearance and the same shall be considered by the trial Court sympathetically.

(Rekha Mittal)
Judge

10.01.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No