

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-45518 of 2016

Date of Decision: 17.3.2017

Amrit Pal Kaur and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Meharpreet Singh, Advocate
for Ms. G.K.Mann, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. Satish Jaswal, Advocate
for respondent No.2

Rekha Mittal, J.

The petitioners have invoked Section 482 of the Code of Criminal Procedure (in short “Cr.P.C.”) for quashing of FIR No. 16 dated 15.2.2014 for offence under Sections 498-A, 406, 313, 120-B of the Indian Penal Code (in short “IPC”) registered at Police Station, Ghuman Police District Batala and proceedings emanating therefrom including summoning order dated 3.12.2016 (Annexure P-6).

Perusal of the record would reveal that main grievance of the petitioners is that they have been summoned to face criminal proceedings pertaining to the aforesaid FIR without passing an order on application filed under Section 319 Cr.P.C. However, counsel for

respondent No. 2 has apprised the Court that application filed by the State for summoning of the petitioners as additional accused under Section 319 Cr.P.C. stands dismissed by the Judicial Magistrate Ist Class, Batala vide order dated 3.12.2016 and a photocopy of the order has been produced for perusal and appreciation.

I have heard counsel for the parties and perused the records.

As the application filed by the prosecution for summoning of the petitioners as additional accused in the trial pending before the Court of Magistrate has since been dismissed by the trial court, the petitioners have no grievance to express either in respect of the FIR in question or proceedings emanating therefrom. Accordingly, the petition stands dismissed.

Before parting with this order, it is pertinent to mention that it needs to be examined as to under what circumstances summons were issued to the petitioners for 3.12.2016. The District Judge, Gurdaspur is directed to examine the matter and send a report to this court.

(Rekha Mittal)
Judge

17.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No