

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

CRM No.M-6491 of 2016 (O&M)

Date of Decision: May 04, 2017

Meenakshi @ Minakshi

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashok Gupta, Advocate,
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

None for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Sandeep Kaushik for quashing the complaint No.82 dated 04.09.2015 registered under Sections 195 and 211 IPC and subsequent Court proceedings.

Notice of motion was issued. Learned State counsel appeared and contested the petition. None appeared on behalf of respondent No.2 despite service.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the case 'State vs. Sanjay and

others' relating to FIR No.432 dated 14.06.2010 under Sections 376(2)G, 366, 120-B and 506 IPC, a show cause notice was issued by the Court to the petitioner for prosecuting her for the commission offence under Section 195 and 211 IPC vide order dated 31.01.2015 and it is ordered that complaint of Court be filed against her in the Court of learned Chief Judicial Magistrate, Rohtak, through the Reader. This order dated 31.01.2015 was challenged before this Court by present petitioner in appeal and vide order dated 29.07.2015, this Court set aside the order dated 31.01.2015 and observed that since the appellant has knowledge of the notice under Section 340 Cr.P.C., no fresh notice is required to be given to her. She will be at liberty to file reply to the notice and will not raise any objection with regard to non-service of the notice.

The present petitioner appeared before the Court and filed reply praying that she may be forgiven by having pity on her, so that her future career is not spoiled and notice in hand may kindly be withdrawn. After considering this reply, the Court passed the order dated 03.09.2015 for filing the complaint.

The perusal of the record shows that in no way, the filing of the complaint No.82 dated 04.09.2015 by the Court amounts to abuse of process of law nor it can be held that it amounts to miscarriage of justice. In no way, it can be held that order for filing the complaint has been passed against the law. Opportunity of being heard has already been granted and the present petitioner by filing the reply to the show cause notice, has only prayed for forgiveness, which the Court below, in the facts and circumstances, has not accepted and filed the complaint.

In view of the above discussion, I find that no illegality has

been committed by the Court by filing the complaint. I do not find any ground to quash the criminal complaint in question.

Therefore, finding no merit in the present case, the same is dismissed.

May 04, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No