

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

**Crl. Misc. No.M- 14432 of 2018 (O&M)
Date of decision : 20.07.2018**

Jaswinder Kaur @ Varinder Kaur

.....Petitioner(s)

Versus

Bharpur Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Abdul Shehbaz Thind, Advocate
for the petitioner.

ANITA CHAUDHRY, J.(ORAL)

CRM-M-24420-2018

For the reasons set out in the application, same is allowed as prayed for and accompanying documents are allowed to be taken on record.

MAIN CASE

This is the petition assailing the order passed by the Magistrate in a complaint case.

Jaswinder Kaur had filed a complaint alleging cruelty at the hands of the in-laws family. Her marriage had taken place in 2003. The complaint was filed 7 years later. The trial Court summoned all the accused. Charge was framed in December 2016. The complainant had

appended a list of witnesses. She examined all her evidence, thereafter, the accused had also examined their witnesses and at that stage an application was filed under Section 311 Cr.P.C. seeking permission to examine the mediator. The trial Court has dismissed the application. A revision was preferred thereafter, which has also been dismissed holding that the revision was not maintainable.

I have heard the counsel for the petitioner at great length and I have gone through the complaint.

The complaint does not refer to the name of the mediator or her presence on different occasions. There was not even a whisper about her in the statement given by the complainant and her witnesses. At the fag end of the trial, the complainant wants to examine the mediator. The facts were in the notice of the complainant from the very beginning. There was no reason why the mediator could not be cited as a witness earlier. There is absolutely no explanation as to why they want to examine this witness after the completion of trial. The only purpose is to make improvements and fill up the lacuna, which cannot be allowed.

The petition is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

20.07.2018
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No