

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

115

CRM-M-14375-2017

Date of Decision: September 25, 2018

Devaki and others

.....Petitioner(s)

versus

Memwati and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jangvir S. Hooda, Advocate for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners have been summoned to stand trial under sections 148, 149, 323, 325, 452 IPC on a criminal complaint filed by respondent No.1. The summoning order was challenged by way of revision petition, but the same dismissed by the Additional Sessions Judge, Palwal. Hence, the instant quashing petition.

Learned counsel for the petitioners submits that the complaint is counter-blast to the FIR got registered against respondent No.1 Further, petitioners No.1 and 5 were present at their respective places of posting on the date of the incident and thus, the lodging of the complaint and consequent summoning of the petitioners, is an abuse of the process of law.

The scope of exercise of powers under section 482 of Code of Criminal Procedure, 1973, for quashing of criminal complaint and summoning order, is very limited. Only if no offence is made out on a bare perusal of the complaint or in the facts and circumstances of a particular case, it can be held that the filing of the complaint, is a gross abuse of the process of law, a complaint can be quashed.

In the instant case, specific allegations have been made against the petitioners. Whether, filing of the complaint is a counter blast and whether petitioners No.1 and 5 were not present on the date of the incident, being at their respective places of posting, cannot be gone into in the absence of evidence. All these are essentially matters of evidence and can only be gone into after the trial.

Thus, the present petition is misconceived and is accordingly dismissed.

However, it shall be open to the petitioners to take all above pleas in their defence.

September 25, 2018

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[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No