

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.130

CRM-M-18650-2018

Date of decision : 03.05.2018

Harmeet Kaur Waraich

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ish Puneet Singh, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of complaint No.COMI-35765/2013 titled as 'Parminder Pal Kaur Vs. Harmeet Kaur Waraich', under Sections 506 and 507 IPC, which is pending in the Court of the Judicial Magistrate First Class, Ludhiana alongwith summoning order dated 13.11.2013 (Annexure P-2), on the basis of compromise.

Learned counsel for the petitioner states that the present petition has been filed pursuant to order dated 23.01.2018 (Annexure P-4) passed by this Court in CWP-33-2018 (O&M). He states that in view of Section 257, Cr.P.C only a complaint in summons case can be withdrawn. The present complaint is under Sections 506 and 507 IPC and charges have already been framed. Thus, the complaint requires to be quashed.

The contention of the counsel is not tenable because maximum punishment prescribed under Sections 506 and 507 IPC, is two years unless the threat is to cause death or grievous hurt or destruction of property by fire or to cause an offence punishable with death or imprisonment for life or imprisonment extending upto seven years or to impute unchastity to a woman. This is not the situation in this case.

The petition is therefore, mis-conceived and is dismissed however, with liberty to the petitioner to move an appropriate application for withdrawal of complaint.

(SUDHIR MITTAL)
JUDGE

03.05.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No