

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

CRM-M-2233-2018

Date of decision:-18.1.2018

Major Singh and others

...Petitioners

Versus

Amarjeet Kaur

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Ferry Sofat, Advocate
for the petitioners.

H.S. MADAAN, J.

By way of moving the present petition, the petitioners – Major Singh, Kuldeep Singh and Kashmir Singh seek setting aside of the order dated 29.7.2017 passed by learned Additional Sessions Judge, Amritsar vide which the revision petition filed against the summoning order dated 28.5.2015 was dismissed, besides craving for quashing of that summoning order passed by Judicial Magistrate Ist Class, Amritsar in complaint No.179/2014 filed by respondent as well as complaint itself under Section 3(1)(X) of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 brought by complainant Amarjeet Kaur, who is respondent in the petition against the present petitioners.

Briefly stated, facts of the case are that on a complaint having been brought by Amarjeet Kaur – complainant against the

present petitioners, after recording preliminary evidence, Judicial Magistrate Ist Class, Amritsar vide impugned order dated 28.5.2015 summoned Kuldeep Singh, Major Singh, Kashmir Singh, Raj Kaur and Jagdish Singh under Sections 3(1)(X) of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 read with Section 506 IPC. The accused have put in appearance in the Court. Though they had challenged the summoning order by way of filing the revision petition but the said petition was dismissed by learned Additional Sessions Judge, Amritsar vide judgment dated 29.7.2017 with the following observations:

The only grievance with the revision petitioner is that complaint filed by respondent is a counter blast to the various FIRs got registered by them against the complainant and her family due to purchase of the property from the predecessor of father-in-law of complainant and, therefore, no such occurrence has taken place and they were not required to be summoned.

No ground other than that has been mentioned by learned counsel for the revision petitioners which would entitle them for acceptance of revision and for setting aside of impugned order passed by learned Lower Court. Whatsoever pleas have been taken by revision petitioners in this revision those are matter of evidence and truth in the same will be ascertained during the pendency of trial. At this stage, while deciding this revision petition this Court cannot come to conclusion that complaint filed by

respondent is a counter blast to the action taken by revision petitioners against the complainant and her family members. On the other hand the complainant has led sufficient oral and documentary evidence which is on oath and the learned trial Court has rightly appreciated the same has come to right conclusion and, therefore, no ground is made out to interfere with the impugned order and the same stands upheld.

Now such petitioners have approached this Court by way of filing the present petition under Section 482 Cr.P.C. taking all those pleas, which had been put forward by them in the revision petition and duly discussed but discarded by learned Additional Sessions Judge, Amritsar.

I have heard learned counsel for the petitioners besides going through the record and I find that there is no merit in the petition. Though the petitioners have made reference to a long civil and criminal litigation between the parties but that by itself does not go to show that the complaint so filed is based upon false assertions and is misuse of process of law.

Furthermore, after perusal of complaint and considering the preliminary evidence brought on file by the complainant, the court of competent jurisdiction i.e. of Judicial Magistrate Ist Class, Amritsar had found sufficient reasons to summon the accused to face trial. The said order when challenged by way of filing of revision petition has also been affirmed. Now the petitioners are finding fault with the criminal

complaint so filed, summoning order passed therein as well as judgment passed by learned Additional Sessions Judge, Amritsar dismissing the revision petition against the summoning order. Only after trial it can be determined as to whether the allegations levelled in the complaint by complainant against the petitioners are false or correct. At this stage, no ground is made out to accept the petition and quash the impugned orders and the criminal complaint.

The petition being without merit stands dismissed accordingly.

18.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No