

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

CRM-M-23932-2018

Date of decision: 10.09.2018

Gurmeet Singh Sardar

...Petitioner

Versus

Anita and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Pardeep Virk, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. by the petitioner seeking to quash criminal complaint No. 06 dated 22.12.2012, under Sections 323, 324, 376, 511 IPC and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as the summoning order dated 10.11.2016 whereby the petitioner has been summoned to face trial under Sections 323, 376 and 511 IPC and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner herein contends that initially FIR No. 354 dated 25.04.2011 was registered at Police Station Model Town, Panipat under Sections 354, 376, 511, 323 IPC and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989, in which the matter was investigated and a cancellation report was submitted. The complainant initially appeared and accepted the cancellation report but on the same date moved another application submitting that the said statement had been given under pressure and sought time to file a protest petition. The protest petition in the Court was filed after a period of 9 months on 05.07.2013. On consideration of the protest petition, the petitioner has been summoned to face trial. It is argued that the trial Court while summoning him took into consideration the statement of the complainant as well as the MLR to frame charges under Section 376 IPC and other sections. It is argued that while summoning the petitioner herein to face an offence under Section 376 IPC there is no discussion on the said MLR and as to what injuries etc. the complainant had suffered. It is also submitted that even the reading of the said complaint would not reflect that there was any incident of rape as alleged. It is argued that the said MLR along with the complaint ought to have been supplied to him which has not been done so far and, therefore, prays for intervention of this Court.

I have heard learned counsel for the petitioner and at the present moment, I am not inclined to interfere in the instant case.

Dismissed.

Before parting with the judgments, this Court deems it appropriate to direct the trial Court to supply a copy of the MLR along with a copy of the other documents relied upon by the Judicial Magistrate Ist Class for summoning the petitioner herein. This Court is informed that the matter is listed for 19.09.2018, on which date the application should be filed

by the petitioner and the copy of MLR along with a copy of the other documents relied upon by the Judicial Magistrate Ist Class for summoning the petitioner herein be supplied before the next date fixed. In case, the application is not submitted as per the order passed today, the direction given shall stand negated.

Petition stands disposed of accordingly.

10.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.