

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

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**CRM-M-24710-2017 O&M)
Date of decision:27.09.2018**

Gurpreet Kaur and others

...Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Arihant Goyal, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Dinesh Bhardwaj, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

In the present petition, petitioners have sought for quashing of complaint No. 166/1/15 dated 10.12.2015, summoning order dated 18.01.2017 and all consequential proceeding arising therefrom. Allegations are relating to quarrel among the family members that too in respect of matrimonial dispute like taking away household articles etc.

2. Learned counsel for the petitioners vehemently contended that Ist petitioner's husband filed an application for taking action but due to inaction on the part of police authority he moved CRM-M-30327 of 2015 and it was dismissed as withdrawn. He had suffered order. In order to overcome the order dated 12.10.2015 passed in CRM-M-30327-2015 complaint has been filed. Present complaint is the counter blast to FIR No. 18 dated 12.09.2015 under Sections 498A, 406 IPC in which petitioner No.1 is complainant. It is only to pressurise the petitioners.

3. On the other hand, learned counsel for the respondents submitted that perusal of the order dated 12.10.2015 read with complaint there is no hurdle in respect of filing complaint against the petitioners. It is further submitted that there is serious allegations against the petitioners and the trial court passed the summoning order after examination of witnesses and record where is clear evidence with regard to petitioners conduct i.e. CCTV Photographs. So, there is no ground to interfere with the trial court order and complaint. Supreme Court in latest decisions titled as ***Manish Teegal and others Versus State of M.P. and another*** reported in 2018 (1) (Criminal Law Journal) 348 read with ***Kamlesh Kumari and others versus State of U.P. and another*** reported in 2015 AIR (SCW) 3700 held that if serious allegation and sufficient evidence are available constituting offence, court shall not entertain to quashing of complaint under Section 482 Cr.P.C. Thus, petitioner has not made out a case. Accordingly, petition stands dismissed.

27.09.2018

pooja saini

(P.B.BAJANTHRI)**JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:**Yes/No**