

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

**CRM-M-2941-2011 (O&M)
Date of Decision: 14.05.2018**

Jagmal and another

....Petitioners

Versus

Suman and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rakesh Nehra, Advocate
for the petitioner(s).

None for respondent No.1.

Ms. Mahima Yashpal, A.A.G., Haryana.

ANITA CHAUDHRY, J

The petitioners are the mother-in-law and father-in-law of respondent No.1. They are seeking quashing of the complaint and the summoning Order (Annexure P-6). They have been summoned in a complaint case pending before the Judicial Magistrate Ist Class, Siwani.

Learned counsel for the petitioner contends that petitioner No.1 had retired from the General Health Services, Haryana in 2007 and he remained stationed at Chandigarh from 1986 to 2007 and petitioner No.2 is his wife. Counsel urges that the son of the petitioner namely, Parveen Kumar, was married to Suman in 2002 and the son and his wife were living at Raipur in Chhattisgarh. He urges that differences arose between the couple and the petition seeking divorce was filed at Raipur which was

allowed on 19.03.2007. After the divorce, a complaint was filed in the Courts at Siwani in which they have been summoned. Counsel urges that the complainant did not disclose that the parties had been divorced and there is no date on which any incident had occurred and there is no MLR. Counsel for the petitioner has placed on record a certified copy of the order dated 19.03.2007 and the divorce decree.

A perusal of the complaint shows that general and sweeping allegations have been made. The complainant had mentioned that her husband had left her a year ago and she had been asked to come back only when she brought a Maruti car and Rs.5 lacs and she was living with her father in the village. Allegations were also made that the gifts were given at the time of marriage which had not been returned and she had given a complaint to the police but no action was taken. The allegations were that all the accused persons had committed offence under Sections 323, 406, 498-A, 506 and 34 of IPC.

A copy of the petition as well as divorce decree shows that the petition for divorce had been filed in the Family Court at Raipur in Chhattisgarh. The couple were residing at Raipur. The petitioner's son was working in Post Educational Welfare Society which has its local office at Raipur. He had been transferred there in May, 2005.

Notice of this petition was given to the respondent. Initially, a counsel had appeared but later no one appeared nor had filed reply. The parties were referred for mediation.

The complaint does not disclose any incident. General and vague allegations have been made. It appears that the complaint had been filed to implicate the relative of the husband with an ulterior motive. The

complaint does not disclose even the date on which the petitioners were present at Raipur. The petitioner No.1 has placed on record his posting order and the order of superannuation (Annexure P-9) which come from government record. The in-laws were living separately and they have been named just to widen the net. They cannot be asked to suffer this agony of a lame and protracted trial as there are no specific instances of cruelty. The allegations are vague and general.

Considering the above, I find it is a fit case where the complaint and the subsequent summoning orders so far as the petitioners are concerned should be quashed exercising the extra-ordinary powers. The petition is allowed. Complaint and the Summoning Orders *qua* the petitioners are quashed.

May 14, 2018
ps-I

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No