

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

CRM-M-38239-2016

Date of decision:-9.7.2018

Anil Kumar Manchanda

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present : Mr.I.S. Parmar, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Ms.Amit Dhawan, Advocate
for respondents No.2 and 3.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner – Anil Kumar Manchanda praying for quashing of impugned order dated 25.8.2015 passed by Judicial Magistrate Ist Class, Ludhiana, vide which an application under Section 319 Cr.P.C. for summoning of Baldev Raj Sachdeva and Renu Sachdeva (respondents No.2 and 3) as additional accused had been dismissed. He further seeks quashing of order dated 18.8.2016 passed by Additional Sessions Judge, Ludhiana

vide which the revision petition filed by petitioner against that order had also met the same fate.

Briefly stated, the facts of the case are that the complainant Anil Kumar Manchanda had submitted a written complaint dated 21.6.2012 at Police Post Kitchlu Nagar, Ludhiana submitting therein that his daughter Ritu was married with Sumit Sachdeva son of Baldev Raj Sachdeva, resident of House No.171-C, Kitchlu Nagar, Ludhiana; that earlier she had been given beatings by her in-laws family and on that day Baldev Raj Sachdeva, father-in-law of his daughter Ritu informed him telephonically that there had been a quarrel between Ritu and her husband Sumit Sachdeva and he should reach there; that when he started leaving for house of Ritu then he received a call from the shop of Kitty Bread that his daughter was sitting at their shop; that he accordingly went there and brought back his daughter, who had been given beatings by her husband and father-in-law; that Ritu was medically examined. The formal FIR No.58 dated 20.9.2012 for the offences under Sections 323, 406, 498-A IPC was registered at Police Station PAU, Ludhiana.

After completion of investigation only Sumit Sachdeva was challaned. During the trial against Sumit Sachdeva, the complainant moved an application under Section 319 Cr.P.C. for summoning Baldev Raj Sachdeva - father-in-law and Renu Sachdeva – mother-in-law of Ritu as additional accused. Vide the impugned orders, the Courts below have rejected the application, as such, the complainant has approached this Court by way of filing the instant petition.

Notice of the petition was issued to the respondents, who

appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned State counsel has informed that after registration of the FIR, inquiry into the matter had been conducted by Assistant Commissioner of Police (West), Ludhiana, who vide his detailed report dated 31.8.2012 observed that nothing had come on record that parents-in-law of Ritu had been harassing or torturing her in connection with any demand of dowry etc. Such inquiry report dated 31.8.2012 was submitted by Assistant Commissioner of Police (West), Ludhiana to Commissioner of Police, Ludhiana.

After hearing the learned counsel for the parties, I find that the impugned order passed by the trial Magistrate is detailed, well reasoned one and the law on the subject has been taken into consideration. Learned trial Magistrate has observed that whenever a police report is lodged consequent upon a matrimonial discord, there is always a tendency on the part of the complainant to involve practically all the relations of her in-laws family either out of vengeance or to curl out appropriate settlement. Learned Additional Sessions Judge, Ludhiana has also passed a detailed order in light of the latest law on the subject upholding the order passed by the trial Magistrate finding that there was no merit in the application for summoning of parents-in-law of daughter of complainant as additional accused to face trial.

I do not find any illegality or infirmity in such orders, which might have called for interference by this Court while exercising jurisdiction under Section 482 Cr.P.C. Rather the same are based upon

proper appraisal and appreciation of evidence and correct interpretation of law.

Therefore, the petition stands dismissed.

9.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No