

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.117

CRM-M-42419-2018

Date of decision : 26.09.2018

Ashu Goyal and another

..... Petitioners

VERSUS

Lachhman Dass

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Budhwar, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners seek quashing of order dated 07.09.2019 (Annexure P3) whereby the learned Additional Sessions Judge, Sangrur has modified order dated 05.05.2016 (Annexure P1) passed by the learned Judicial Magistrate First Class, Sangrur, dismissing the complaint filed by the respondent.

The respondent has filed a complaint under Sections 494, 496, 420, 120-B IPC with the allegation that he was married with petitioner No.1 and that during the subsistence of that marriage, she has performed a second marriage with petitioner No.2.

Learned counsel for the petitioners has placed before me the evidence produced before the trial Court, which was taken into consideration by the revisional Court while passing the impugned order. Mark-A is order dated 27.05.2015 passed in CRM-M-17873-2015. The said order was passed on a petition filed by petitioner No.1 and the respondent for protection of life and liberty on account of their marriage against the wishes of their parents. Mark-B is the statement of petitioner No.1 recorded before a Deputy Superintendent of Police, in which she admits the factum of her marriage with the respondent. Mark-D is a document issued by Shri Bala Ji

Jotish Kendar, Panchkula, stating that marriage of petitioner No.1 was solemnized. These documents prima facie show that petitioner No.1 had married the respondent and therefore, the contention of learned counsel for the petitioners that the revisional Court has mis-read and mis-construed the evidence produced by the complainant cannot be accepted. At the stage of summoning, the Court has only to see whether on the basis of the material placed before it, a prima facie case is made out for summoning the accused persons. This test has been satisfied in the instant case and therefore, I do not find any error in the impugned order.

The petition is thus, dismissed.

It is made clear that any observations made in this order are only prima facie and not binding on any Court.

(SUDHIR MITTAL)
JUDGE

26.09.2018
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No