

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

**CRM-M-7894-2019 (O&M)
Date of Decision : 23.07.2019**

Ramesh Kumar and others Petitioners
Versus

Archana Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sarbjit Singh, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of complaint No.590 dated 06.10.2015, filed under Sections 498-A, 406, 506 IPC as well as the summoning order dated 17.09.2018, passed by the learned Judicial Magistrate Ist Class, Amritsar.

It has been submitted that on the application, filed by respondent, inquiry was conducted by the local police and vide report (Annexure P-4), it has been observed that no action is required on the application and the allegations levelled against the petitioners with regard to demand of dowry could not be proved.

Thereafter, the said complaint was registered. Complainant-respondent adduced preliminary evidence and the petitioners were summoned for the offences under Sections 406, 498-A, 506 IPC. However, after adducing the pre-charge evidence, only charge under Section 498-A IPC was ordered to be framed.

The purpose of framing charge is to ensure that the court should be satisfied for accusation made against the accused is not frivolous and there is some material for proceeding against him. Equally, it serves the purpose of giving notice to the accused with regard to accusation levelled against him. At the stage, only the documents which are required to be considered are the documents submitted by the investigating agency alongwith the charge-sheet or the documents before the court conducting an inquiry in a criminal complaint.

While framing the charge the court is not to examine the evidence meticulously. It has not to consider whether a conviction can be based on the material placed before it at that stage. The Judge can sift and weigh the evidence for the purposes of finding whether prima facie case has been made out. It is only when he comes to the conclusion that there was no sufficient ground for proceeding against the accused, that the accused can be discharged under Section 227 Cr.P.C. But if there is ground for presuming that accused has committed an offence, charge under Section 228.

In other words, at the stage of framing charge, the court is required to evaluate the materials and documents on record with a view to finding out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. The court may, for this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

A bare perusal of the record transpires that both the trial court

as well as the revisional court have found that prima facie case is made out against the petitioner for framing the charge. As such, the charge under Section 498-A IPC has been framed against the petitioners.

In view of aforesaid discussion, no case is made out to quash the complaint as well as summoning order. Therefore, the instant petition stands dismissed.

23.07.2019
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No