

CRM-M-22431 of 2014

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

CRM-M-22431 of 2014  
Date of decision: 02.04.2019

Dr. Monika Soni

.....Petitioner

versus

Dr. Kashi Nath Varma and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Rajiv Dhawan, Advocate, for the petitioner.  
Mr. Aditya Sanghi, Advocate, for respondent No.1.  
Mr. Munish Sharma, AAG, Haryana.

**RAMENDRA JAIN, J. (ORAL)**

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing order dated 28.09.2011 (Annexure P-2) of the trial Court, summoning the petitioner to face Trial under Section 500 read with Section 120-B IPC and order dated 13.03.2014 (Annexure P-1), whereby revision of the petitioner against the aforesaid summoning order was dismissed by the Revisional Court.

Briefly, on 29.06.2001 petitioner was married to Dr. Sunil Verma son of respondent No.1. However, their marriage went into rough weather on account of temperamental differences. Consequently, petitioner approached an NGO named as “Nari Utthan Kendra Samiti, Bikaner”, which taking up the matrimonial discord of the petitioner, recommended the Superintendent of Police, Narnaul (Haryana) and Bikaner (Rajasthan) to take appropriate action against her husband Dr. Sunil Verma, parents-in-law, two sisters-in-law (Nanad and Jethani) and two brothers-in-law

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(Nandoi and Jeth), whereupon, police investigated the matter and registered FIR. However, during investigation, allegations of the petitioner against her husband and in-laws' family were found baseless. Consequently, police did not take any further action. Thereafter, on the basis of some observation and the recommendation of Nari Utthan Kendra Samiti, Bikaner, respondent No.1, father-in-law of petitioner, filed complaint (Annexure P-5) under Sections 499, 500, 509 and 120-B IPC read with Sections 4 and 6 of the Indecent Representation of Women (Prohibition) Act, 1986 before the learned Chief Judicial Magistrate, Narnaul, who initially summoned co-accused Pushpa Gahlot, Secretary of Nari Utthan Kendra Samiti, Bikaner, while dismissing the complaint qua petitioner and her father, namely, K.P. Soni vide order dated 05.02.2008 (Annexure P-4).

Being aggrieved, Pushpa Gahlot, Secretary of the said NGO, approached the Revisional Court, but remained unsuccessful as her revision was dismissed.

Finally, she approached this Court by way of CRM-M-7908 of 2008, which was permitted to be withdrawn vide order dated 21.03.2013.

Since complaint (Annexure P-5) was dismissed against the petitioner, therefore, respondent No.1 approached the Revisional Court, which vide order dated 06.07.2011 (Annexure P-3) set aside order dated 05.02.2008 (Annexure P-4) of dismissal of complaint qua petitioner and directed the Trial Court to hear the matter and pass fresh order.

Consequently, Trial Court after hearing both the sides, summoned petitioner vide order dated 28.09.2011 (Annexure P-2) only under Section 500 read with Section 120-B IPC.

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Being aggrieved, petitioner approached the Revisional Court, but remained unsuccessful as her revision was dismissed vide order dated 13.03.2014 (Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that petitioner never did character assassination of anyone in her in-laws' family, including her husband. Drawing attention of this Court towards recommendation of the Nari Utthan Kendra Samiti, Bikaner (Annexure P-6) to the Superintendent of Police, Narnaul and Bikaner, he submits that Trial Court, while summoning the petitioner, failed to appreciate that it was own and individual act of Pushpa Gahlot, Secretary of the said Kendra, of doing character assassination of husband of the petitioner, namely, Dr. Sunil Verma. Trial Court also ignored the fact that in case, at any point of time, petitioner had any intention to level allegations with regard to character against her husband or respondent No.1, she would have mentioned the same in her complaint, to the police, which culminated into FIR.

On the other hand, learned counsel for respondent No.1, refuting the above submissions, pleading the legality and validity of the impugned orders, contends that said NGO had no personal knowledge about the strained relations between the petitioner and her husband on account of the temperamental differences. Therefore, whatever allegations were levelled by the petitioner against respondent No.1 and his family members, narrating the same as it is, said NGO recommended the registration of FIR against them. Case of Pushpa Gahlot, Secretary of the said NGO, was on the better footing than the petitioner, who was non-suited by this Court and ordered to face trial.

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Having given thoughtful consideration to the rival submission, this Court finds the instant petition meritless for the reason that disputed questions of facts are involved, which requires appreciation of evidence that can only be done by the Trial Court after the parties lead their respective evidence.

So far as request of learned counsel for exemption from personal appearance of the petitioner during trial is concerned, she is granted liberty to make an appropriate application before the Trial Court for the said purpose. In case, such an application is moved, the same shall be considered and decided by the Trial Court in accordance with law. In case, Trial Court comes to the conclusion that the petitioner deserves the concession of personal exemption, the same shall be granted to her subject to her filing an affidavit to the following terms: -

- (i) undertakes to appear before the Trial Court as and when so directed;
- (ii) undertakes that she would have no objection if the evidence is recorded in her absence;
- (iii) undertakes not to raise any dispute as to identity; and
- (iv) undertakes to comply with such other conditions, as may be imposed by the Trial Court.

Disposed of.

**April 02, 2019**  
R.S.

**(Ramendra Jain)**  
**Judge**