

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

**CRM-M-2511-2020  
Decided on : 22.01.2020**

Gurpreet Kaur

... Petitioner(s)

Versus

Talwinder Singh and others

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**PRESENT:** Mr. Sunny K. Singla, Advocate  
for the petitioner(s).

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**MANJARI NEHRU KAUL, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of order dated 13.11.2019 (Annexure P-4), passed by the learned JMIC, Nabha, in Complaint Case No.84, instituted on 16.10.2014, titled as 'Gurpreet Kaur Vs. Talwinder Singh and others', under Sections 307, 498-A, 406, 420, 506 IPC, P.S. Bhadson, District Patiala.

As per the averments made in the petition, marriage of the petitioner Gurpreet Kaur was solemnized with respondent No.1 on 28<sup>th</sup> July, 2010 and allegedly respondents subjected her to mental and physical harassment, as a result of which, she filed a complaint dated 16.10.2014 annexed herewith as Annexure P-1 before the learned JMIC, Nabha. Thereafter, respondents were summoned by the learned JMIC, Nabha, under Sections 406, 420, 498-A IPC. The petitioner wife had also filed petitions under the Domestic Violence Act, 2005 and under Section 125 Cr.P.C. against the respondents and respondent No.1 – husband on the other hand had filed a petition under Sections 13 of the Hindu Marriage Act, 1955. However, the petition filed by respondent No.1 – husband under Section 13 of the Act, was dismissed by the learned Addl. District Judge, giving a

specific finding that respondent No.1 husband had failed to prove cruelty against the petitioner – wife. In the petitions filed under the Domestic Violence Act and under Section 125 Cr.P.C., the petitioner – wife contended that the respondent had taken contradictory stands and during the cross-examination of respondent No.1 – Talwinder Singh and respondent No.2 – Jasbir Singh, some new facts had come to fore as some documents containing contradictory stands were not in existence at the time of filing of the complaint. Therefore, the petitioner had filed an application under Section 311 Cr.P.C. for placing on record the certified copies of the said documents. It was pleaded that the documents were required to prove that the petitioner had been maltreated by the respondents and the allegations levelled against her by the respondents were, in fact, concocted.

However, the learned JMIC, Nabha, vide order dated 13.11.2019, dismissed the said application filed under Section 311 Cr.P.C., filed by the petitioner (complainant therein) for tendering additional evidence.

Through the application under Section 311 Cr.P.C., the petitioner/complainant sought to tender into evidence, the certified copy of the judgment dated 12.09.2017 along with the certified copy of the cross-examination of Talwinder Singh and Jasbir Singh as also the certified copy of the reply filed by the respondent in the petition under the Domestic Violence Act and a certified copy of the reply filed by respondents in the petition under Section 125 Cr.P.C.

I have heard learned counsel for the petitioner and perused the impugned order passed by the Court below.

It is admittedly a matter of record that the petitioner had on a

previous occasion also filed an application under Section 311 Cr.P.C. for leading additional evidence vide which she had sought to prove the Bank Account statement of the husband and the other related details by summoning the clerk for the State Bank of India along with record, which was allowed by the lower Court on 26.08.2019. It is indeed strange that the documents which are being sought to be tendered into evidence now, were not mentioned and sought to be proved through additional evidence in the earlier application under Section 311 Cr.P.C., dated 15.03.2019. It cannot be believed that the petitioner was not in the know of the said documents when the previous application under Section 311 Cr.P.C. was moved on 15.03.2019. It cannot be overemphasized that the powers under Section 311 Cr.P.C. are no doubt discretionary, but the same have to be exercised with great care and caution. Due diligence should have been shown by the complainant when the earlier application under Section 311 Cr.P.C. was filed and the petitioner cannot be extended the benefit time and again under Section 311 Cr.P.C., which apparently, as also noticed by the Court below is an effort on her part now to plug the loopholes appearing in the case.

Hence, finding no merit in the instant petition, same is dismissed.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**January 22, 2020**

*J.Ram*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*