

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20240-2016

Date of decision: 05.03.2020

Paramjit Kaur @ Rakan

..... Petitioner

Versus

Melo Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. PS Ahluwalia, Advocate for the petitioner.

Mr. Rajiv Joshi, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Criminal Complaint No. 262 dated 10.06.2014 (Annexure P-1) instituted by respondent and all subsequent proceedings arising therefrom, including summoning order dated 05.03.2016 (Annexure P-2) of the trial Court, whereby petitioner was summoned to face trial under Sections 500 and 506 IPC.

Heard.

Perusal of impugned order shows that the trial Court before summoning the petitioner did not make any reference to the statement of respondent-complainant. It also did not notice that witnesses examined in preliminary evidence by the respondent were altogether different from the witnesses mentioned in the list of witnesses appended with the complaint.

Learned counsel for the petitioner has relied upon a judgment of the Apex Court in M/s GHCL Employees Stock Option Trust Vs. M/s India Infoline Limited, 2013(2) SCC (Cri.) 414. For ready reference, para 14 of the judgments reads as under:

“14. Be that as it may, as held by this Court, summoning of accused in a criminal case is a serious matter. Hence, criminal law cannot be set into motion as a matter of course. The order of Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. The Magistrate has to record his satisfaction with regard to existence of a *prima facie* case on the basis of specific allegations made in the complaint supported by satisfactory evidence and other material on record.”

The above conduct of trial Court shows that the impugned order has been passed without application of mind.

Considering the aspect of the matter, impugned order dated 05.03.2016 (Annexure P-2) summoning the petitioner to face trial under Sections 500 and 506 IPC is set aside, with a direction to the trial Court to pass fresh order.

The instant petitions stands disposed of, accordingly.

March 05, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No