

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

CRM-M-8706-2020

Date of Decision: 13.5.2022

Manmeet Kaur

..... Petitioner

Versus

Gurpartap Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Piyush Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court for setting aside the order dated 20.9.2019 passed by the learned Chief Judicial Magistrate, Ferozepur dismissing the application under Section 319 Cr.P.C. for summoning respondents No.1 to 4 as additional accused to face trial alongwith the main accused as well as the order dated 7.2.2020 passed by the learned Additional Sessions Judge, Ferozepur upholding the order dated 20.9.2019.

Learned counsel for the petitioner submits that both the learned Courts below have fallen in error in declining the petition filed by the petitioner for summoning respondents No.1 to 4 under Section 319 Cr.P.C. to face trial alongwith the main accused. He also submits that the complainant has categorically named respondents No.1 to 4, namely, Gurpratap Singh, Shinder Kaur, Kirandeep Kaur and Karamjit Kaur regarding harassment caused to the petitioner on account of bringing less dowry. He submits that the investigating agency without assigning any reason, has declared them innocent during investigation and thus, they were kept in column No.2 while presenting the challan. However, the prosecution

witness i.e. the complainant was examined as PW-1 and she reiterated her allegations against respondents No.1 to 4 and hence, application under Section 319 Cr.P.C. was filed. Learned counsel for the petitioner has submitted that there are specific allegations against respondent No.1 to 4 and as per the law settled, the case of the petitioner is duly supported, but the learned Magistrate failed to appreciate the same and thus, declined the application filed. He submits that the petitioner preferred a revision against the order passed by the learned Magistrate before learned Additional Sessions Judge, who again failed to appreciate the evidence on record and the law settled and thus, illegally declined the revision filed vide order dated 7.2.2020. He submits that both the orders are against the law settled, thus, deserves to be set aside and application under Section 319 Cr.P.C. be allowed.

Heard learned counsel for the petitioner and perused the record.

There is no gainsaying that some superficial allegations were made by the complainant by lodging the FIR. However, a thorough and fair investigation was carried out and thereafter, challan was presented and respondents No.1 to 4 were kept in column No.2, as they were found innocent. The case in hand is matrimonial dispute and the trend in the society is prevalent in implicating maximum number of relations from the husband side. The allegations levelled against respondents No.1 to 4 were general in nature and hence, they were exonerated by the Investigating Agency. As per the law settled by Hon'ble the Apex Court in Hardeep Singh vs. State of Punjab and others, (2014) 3 SCC 92, power under Section 319 Cr.P.C. is to be exercised with extreme care and caution. The satisfaction of the Court in summoning the proposed accused should have been more than

the satisfaction required to be framing of charges. However, in the present case the facts and circumstances, do not qualify on the parameters set by Hon'ble the Apex Court. In the totality of the facts and circumstances of the case and in view of the law settled, this Court finds that the view taken by both the Courts below suffers from no illegality. Thus, the petition being devoid of any merit, is hereby dismissed.

13.5.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No