

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.116

CRM-M-24488-2023 (O&M)

Date of decision : 15.05.2023

Bharti Chauhan

..... Petitioner

VERSUS

Lt. Col. Ankush Batra

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Joon, Advocate, for the petitioner.

Mr. Ankush Batra, the respondent in person.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of order dated 16.12.2022 (Annexure P4) passed by the Addl. Sessions Judge, Panchkula, whereby, he has set aside order dated 13.12.2021 passed by the Judicial Magistrate, First Class, Panchkula, refusing to issue process in a complaint filed by the respondent under Section 499 IPC. The matter has been remitted to the concerned Magistrate for a fresh decision in accordance with law.

Learned counsel for the petitioner submits that complaint, if read as a whole, does not reveal the commission of offence under Section 499 IPC. Thus, not only does the revisional order deserve to be set aside, the complaint itself deserves to be quashed.

The submission is totally mis-conceived.

A perusal of the complaint shows that the petitioner has written letter dated 19.09.2017 as well as dated 29.09.2017 to the Army Authorities alleging vulgar and indecent activities by the respondent, physical and mental harassment, torture, use of abusive language, talking about abortion,

not providing basic amenities and attempting to murder their child etc.

Thus, it cannot be said that a perusal of the complaint does not make out the commission of an offence under Section 499 IPC provided the submissions therein are a reproduction of the allegations made in the letters dated 19.09.2017 and 29.09.2017.

On being questioned about the same, learned counsel for the petitioner submits that the allegations made in the aforementioned letters, have in fact been faithfully reproduced in the complaint.

That being so, the complaint cannot be quashed in exercise of jurisdiction under Section 482 Cr.P.C. Order dated 13.12.2021 passed by the Magistrate concerned refusing to issue process also cannot stand for the same reason. Accordingly, the revisional order does not suffer from any infirmity.

The petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

15.05.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No