

2023:PHHC:073442
THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25784 of 2023
Date of Decision: 19.05.2023

Neharika Mahajan and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Sukhwinder Singh Chatrath, Advocate
for the petitioners.

Mr.Jaiteshwar S. Bhandari, AAG, Punjab

SANJEEV PRAKASH SHARMA, J (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing / setting aside of the impugned Complaint dated 12.05.2022 (Annexure P-4) and the impugned summoning order dated 12.05.2022 passed by the JMIC, Jalandhar whereby he has issued summons to the petitioner in a case of a complaint filed under Section 12 of the Protection of Women and Domestic Violence Act, 2005 by the alleged mother-in-law of petitioner No.1.

The learned counsel for the petitioner submits that this Court ought to interfere with the said exercise of power initiated by the learned Magistrate as the proceedings initiated are malicious prosecution and no case under the Domestic Violence Act, 2005 is made out.

I have considered the submissions made by the counsel for the petitioners.

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At this stage where summons are issued, petitioners has the liberty to take up all arguments before the concerned Magistrate. It is apparent that without hearing the petitioner no orders can be passed by the concerned Judicial Magistrate.

In view of the above submissions, granting with the aforesaid liberty to the petitioner, I am not inclined to interfere in the orders by the the concerned Magistrate at this stage.

The Petition is accordingly dismissed with aforesaid liberty.

(SANJEEV PRAKASH SHARMA)
JUDGE

19.05.2023
Raman

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No