

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR 1733/2023

Date of decision: 02.08.2023.

Tanu Bhati

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Ms. Sushmeet Kaur, Advocate and
 Ms. Anisha Sharma, Advocate for the petitioner.**Nidhi Gupta, J.**

Present revision petition under Section 401 read with Section 482 Cr.PC has been preferred for setting aside the order dated 20.3.2023 passed by JMIC, Panchkula in case no. CHI/10/2022 whereby application under Section 319 Cr.PC moved by the petitioner against respondents no. 2 and 3 was dismissed.

Ld. Counsel for the petitioner submits that petitioner was married to son of respondents No.2 and 3 on 14.8.2020. She was turned out of the matrimonial home on 23.11.2020. There are no children out of this wedlock. It is submitted that the Women PS Panchkula under the influence of respondents has carried out weak investigation and it is for this reason that the impugned order has been passed. It is further submitted that petitioner has made specific and serious allegations against the respondents No. 2 and 3 along with dates and instances in her complaint dated 23.3.2021, and despite this ld. Trial court has ignored these facts and passed the impugned order.

Heard ld. Counsel for the petitioner.

Perusal of the record of the case reveals that petitioner was living in her matrimonial home situated at Zirakpur whereas respondents No. 2 and 3 resided in Chandigarh and/or Panchkula and did not live with the

couple in their matrimonial home at Zirakpur. It has further come on record that respondent no.3/ father-in-law of petitioner is stated to have been impotent for the last almost 20 years and therefore, allegations levelled by the petitioner against respondent no.3 are false. Respondent no. 3 is also stated to be suffering from skin disease and high blood pressure and for which he is undergoing treatment. Detailed report under section 173 Cr.P.C. is on record as Annexure P-3 wherein the respondents have been exonerated. Accordingly, the Id. Family Court in the impugned order has recorded that *“police in its investigation have found nothing vital against the said persons and therefore, they have not filed challan against Gurpal Singh (father-in-law) and Jaswinder Kaur (Mother-in-law). Law regarding summoning of a person as an additional accused under section 319 Cr. P. C. is quite well settled to the extent and effect that a person can be summoned as an additional accused only if there are reasonable prospects of his trial ending into conviction. Summoning of a person as an additional accused is discretion of the Court, which has to be exercised in light of sound judicial principles. The court is not to pounce upon a person as and when some evidence comes against him during investigation or trial of case”*.

Even at the time of hearing today, Id. Counsel for the petitioner is unable to produce any material or give any cogent reason as to why the above said findings are incorrect, or why the impugned order should be set aside.

Dismissed.

02.08.2023.
Joshi

(Nidhi Gupta)
Judge