

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

**CRM-M-61458-2023 (O&M)
Date of decision: 14.12.2023**

SATWANT SINGH AND OTHERS

.....Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Gurmeet Kaur, Advocate for
Mr. Rajesh Duhan, Advocate
for the petitioners.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 482 Cr.P.C. is for quashing of summoning order dated 09.02.2018 (Annexure P-4), passed by learned Judicial Magistrate First Class, Samana as well as summoning order dated 16.05.2023 (Annexure P-7), passed by the learned Additional Sessions Judge, Patiala.

2. Learned counsel for the petitioners *inter alia* contends that prior to filing of the petition under Domestic Violence Act, 2005, an FIR was lodged at the instance of respondent No.2 with the same set of allegations.

3. Keeping in view the facts and circumstances of the case and the challenge which has been under Section 482 Cr.P.C. and in view the decision given by this Bench, in CRM-M-58023-2023, titled Gautam Singal vs. Anuj Singal, decided on 30.11.2023, as also a judgment of the co-ordinate Bench of this Court passed in CRM-M-19553-2023, titled Jaspal Kaur alias Pinki and others vs. State of Punjab and others, decided on 24.04.2023, the present petition is not maintainable.

4. Faced with the above situation, learned counsel for the petitioners submits that the present petition may be disposed while granting liberty to the

petitioners to move an appropriate application before the Magistrate raising the ground of maintainability.

5. Keeping in view the above, the present petition is disposed of with the aforesaid liberty to the petitioners. If any such application is moved, the Magistrate shall pass an appropriate order qua maintainability of petition against the petitioners.

6. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023
sim/nitin

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