



CRM-M-23835-2018 (O&M)
Date of decision: 23.08.2024

Versus

CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI

Mr. Neeraj Madaan, Senior DAG, Punjab.

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AMARJOT BHATTI, J (Oral):

2. Learned counsel for the petitioner argued that the impugned order dated 11.05.2018 passed by the Learned Chief Judicial Magistrate, Hoshiarpur is not on sound footing. A false FIR has been lodged against the petitioner as well as her husband Ashok Sandhu, mother Asha Rani @



Pushpa Rani, copy of FIR is Annexure P-2. Police moved application dated 13.03.2018 before the Court of Learned Chief Judicial Magistrate, Hoshiarpur, for passing order to conduct DNA Test of Ashok Kumar Sandhu, Babita Sandhu and children related with this case namely Dinkar Sandhu, Nandani Sandhu, Krishna Devi and Davinder Kumar Sandhu. The said application is Annexure P-3 and reply filed by the husband of petitioner is Annexure P-4. On this application, notice was issued which is without any justification. Entire family is involved in a false criminal case on account of property dispute. Therefore, the impugned order passed by Learned Chief Judicial Magistrate dated 11.05.2018 may kindly be quashed.

3. Petition is opposed by the learned counsel representing State as well as learned counsel for the complainant. It is argued that accused have prepared fake both certificates of Nandani Sandhu and Dinkar Sandhu by showing different date of birth and substituting name of mother and father as Krishna Devi and Tirathram Sandhu. The matter is under investigation and during that course application was filed for conducting DNA test. Learned Chief Judicial Magistrate rightly issued notice to the parties for DNA test. The present petition has been filed only to halt the investigation and same is without merits.

4. I have considered the arguments and have gone through the record.

5. I have carefully gone through the impugned order dated 11.05.2018 Annexure P-1. In fact, on 04.05.2018, the arguments on application for DNA test were not advanced and it was adjourned for



did not want to undergo DNA test and therefore, notice was issued to remaining accused i.e. Nandani Sandhu @ Anchal Sandhu and Dinkar Sandhu @ Rohit Sandhu. Till date no final order has been passed on application for DNA test. The petitioner has challenged the impugned order vide which merely notice was issued to the aforesaid persons.

6. Considering, the aforesaid factual position, the present petition filed by the petitioner is without merits. Investigation of the case cannot be stopped by impugning the interlocutory orders vide which mere notice was issued. Consequently finding no merits in the present petition, the same is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

23.08.2024
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |