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

CRM-M-44085-2022

Date of Decision:- 24.10.2024

Arpana Bhanot through attorney Priyanka Bhanot

...Petitioner

Vs.

Deepak Puri

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate for the petitioner.

None for the respondent.

AMARJOT BHATTI, J.

1. The petitioner –Arpana Bhanot through attorney Priyanka Bhanot filed petition under Section 482 Cr.P.C. for quashing of complaint No.COMI/318/2018 dated 17.05.2018, under Sections 378, 379, 406, 420, 120-B, 506 of IPC, Police Station Salem Tabri, Ludhiana, pending before learned Judicial Magistrate Ist Class, Ludhiana (Annexure P-2) and further setting aside summoning order dated 15.09.2018 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Ludhiana which is against the settled principles of law and is liable to be set aside.

2. As per the facts of the case, Deepak Puri respondent filed complaint against Ashok Kumar and others including present petitioner under Section 378, 379, 406, 420, 120-B, 506 of IPC. It is alleged that he got married with Priyanka Bhanot (accused No.3) on 16.01.2017. After marriage his wife did not permit him to consummate the marriage. No child is born out of this wedlock. She started misbehaving and illtreating

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the complainant. After one week of marriage, his wife (accused No.3) started pressurizing him to transfer his entire property in her name and to handover all gold ornaments and valuable articles to her. She wanted that all his savings lying in the bank be transferred in her name. She also threatened to falsely implicate him in a criminal case. Regarding matrimonial dispute matter was reported to the police. The matter was compromised on 01.09.2017 and a compromise was scribed. They started residing together. On 02.09.2017, accused No.3 left the matrimonial house in the morning and took away cash of Rs.50,000/- lying in almirah. He tried to bring her back and ultimately, she returned home on 06.10.2017. On 07.10.2017 at 7:00 PM, his wife at the instance of accused No.1 and 2 as per their plan took away gold ornaments worth Rs.7 lacs, valuable articles, cash of Rs.3 lacs approximately without disclosing anything to the sister of complainant. Matter was enquired from accused No.1, 2 and 4 but they did not give any satisfactory reply. It is further alleged that accused No.5 i.e. present petitioner is sister of his wife, also threatened him to falsely implicate in a criminal case. He has narrated one incident of 14.05.2018 at about 7:00 PM when he was allegedly going with Gurmeet Singh and Kuldeep Singh when accused No.1 to 4 attacked him and he was rescued by the people collected there. Matter was reported to police but no action was taken and ultimately the complaint was filed on 17.05.2018.

3. After recording of pre-summoning evidence, present petitioner along with other accused was ordered to be summoned for the offence under Sections 378, 379, 506 of IPC vide impugned summoning order dated 15.09.2018. Feeling aggrieved of this order, present petition has

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been filed.

4. Learned counsel for petitioner argued that aforesaid complaint filed by respondent is counter blast to FIR No.133 dated 18.11.2018, registered under Sections 406 and 498-A of IPC (Annexure P-1) against respondent. There are no specific allegations against present petitioner. Without considering the allegations in the complaint (Annexure P-2) and the statements of witnesses i.e. complainant Deepak Puri CW-1, Gurmeet Singh CW-2 and Kuldeep Singh CW-3 (Annexure P-3 to P-5) impugned summoning order has been passed qua the present petitioner. Present petitioner is residing in USA. She has placed on record her passport (Annexure P-7) showing the dates when she was in India and when she returned back to USA. On the alleged dates i.e. 07.10.2017 and 14.05.2018, present petitioner was not in India. She has no role to play in the matrimonial home of respondent/complainant. Summoning order dated 15.09.2018 (Annexure P-6) qua present petitioner is unsustainable and it is passed without applying judicious mind. No reasoning has been given for the summoning of present petitioner under Sections 378, 379, 506 of IPC. She was arrayed as one of the accused and summoned in the aforesaid complaint only to harass her. It is submitted that complaint filed against her (Annexure P-2) and summoning order dated 15.09.2018 (Annexure P-6) or any other subsequent proceeding qua her may be quashed.

5. I have considered the arguments advanced by learned counsel for petitioner and have gone through the documents annexed with the present petition carefully. Respondent/complainant-Deepak Puri filed complaint against his in-laws i.e. accused No.1 and 2, his wife Priyanka Bhanot

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(accused No.3), brother of his wife Jatinder Sharma (accused No.4), sister of his wife Arpana Bhanot (accused No.5) levelling the allegations of theft, cheating and criminal breach of trust qua gold ornaments, cash amount and other valuable articles lying in his house. After recording of pre-summoning evidence, all accused were ordered to be summoned vide summoning order dated 15.09.2018 (Annexure P-6) under Section 378, 379, 506 of IPC. I have considered the contents of complaint, statements of witnesses recorded in pre-summoning evidence as well as impugned summoning order dated 15.09.2018 (Annexure P-6) qua the role of present petitioner. Petitioner has placed on record copy of her passport (Annexure P-7) showing the entries of her arrival in India and her departure. The contents of passport (Annexure P-7) indicates that she came to India on 10.01.2017 and left on 14.02.2017. She again came to India on 16.12.2017 and left on 04.01.2018. She again came to India on 23.01.2019. As per the facts narrated in the complaint, respondent/complainant has narrated incident of 07.10.2017 and 14.05.2018 when she was not in India. There is nothing on record to show that present petitioner threatened the respondent/complainant in any manner. In fact there is matrimonial dispute between the respondent/complainant with his wife Priyanka Bhanot who is arrayed as accused No.3. On the complaint of Priyanka Bhanot, FIR No.133 dated 18.11.2018 was registered under Section 406, 498-A of IPC, at Police Station Women, Ludhiana (Annexure P-1) whereas the complaint was filed by Deepak Puri on 17.05.2018. Merits of aforesaid FIR as well as complaint qua other accused will be decided on its own merits. So far as present petitioner is concerned, she is settled in USA and

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she was not present in India when the alleged incident took place as detailed in the complaint. The role of present petitioner is not dealt with specifically while passing summoning order dated 15.09.2018 (Annexure P-6).

6. In the light of aforesaid discussion, proceedings qua present petitioner under Sections 378, 379, 506 of IPC are the result of misuse of the criminal procedure. As per report received from the concerned trial Court, process is issued qua present petitioner to procure her service. In the light of this, I find merits in the petition filed by the petitioner and the same is allowed and the complaint filed against her (Annexure P-2), summoning order dated 15.09.2018 (Annexure P-6) and subsequent proceedings arising thereof qua present petitioner are accordingly quashed.

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

24.10.2024*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No