



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

CRM-M-35997-2015
Date of decision: 04.09.2024

Manjit Kaur and others

...Petitioners

Versus

Charan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.

Mr. Sanjay Verma, Advocate for the respondent.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C seeking quashing of the complaint bearing No.COMI-1415-2014 titled Charan Singh Vs. Manjit Kaur and others under Sections 452, 323, 324, 504, 34 IPC (Annexure P-1) and summoning order dated 26.08.2015 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Jagadhari.

2. The brief facts of the complaint Annexure P-1 are that petitioner No.1 Manjit Kaur got married with Gurmeet Singh son of respondent Charan Singh. Unfortunately Gurmeet Singh died and thereafter, petitioner No.1 raised dispute with respondent. That matter was settled in panchayat and the entire dowry articles were handed over to petitioner No.1 and then petitioner No.1 left her in laws house and to this effect compromise dated 06.06.2004 was executed. That after the aforesaid settlement, petitioner No.1 started claiming share in the house of respondent. That on 22.02.2014, all the petitioners trespassed into house of respondent and they caught hold of him and gave him kick and fist blows. Petitioner No.1 also gave bite on left arm of respondent. The petitioners also threatened the complainant with dire consequences, in case he did not give



share out of property to petitioner No.1 and her son. Thereafter, the petitioners fled away from there.

3. On completion of preliminary evidence, the petitioners were summoned by the trial Court to face trial under Sections 452, 324, 323, 506, 34 IPC vide order (Annexure P-2).

4. Being aggrieved, the petitioners have filed the present petition.

5. The counsel for the petitioners submits that the petitioner No.1 time and again made requests to respondent to provide her lawful share out of the property owned by her husband Gurmeet Singh. However, the complainant was not willing to handover any such property to the petitioner No.1. The respondent, in order to pressurize petitioner No.1 and to deprive her from getting lawful share out of the property of her husband, falsely implicated her and two other persons in criminal complaint (Annexure P-1). It is further submitted that the allegations leveled in the complaint are totally false and are not supported by any independent evidence. It is further submitted that the prosecution of the petitioners on the basis of complaint Annexure P-1 amounts to misuse of the process of law.

6. On the other hand, the counsel for respondent submits that on 22.02.2014, the petitioners trespassed into house of respondent and caused injuries to him and resultantly, complaint Annexure P-1 was filed wherein the learned trial Court passed summoning order Annexure P-2 in accordance with law. It is further submitted that no ground is made out to quash the complaint Annexure P-1 and summoning order Annexure P-2.

7. I have considered the submissions made by counsel for the parties.

8. Admittedly, petitioner No.1 is daughter in law of respondent and her husband has already died. She is having one child out of the said wedlock. It appears that petitioner No.1 was claiming her share out of the property owned by her in laws, for survival of her son and herself. She was asserting her legal right over the property (if any) owned by her husband. It appears to be highly improbable that helpless widow like petitioner No.1 would assault her father in law to put pressure on him to provide her certain share out of property owned by her in laws. It appears that the respondent

also reported the matter to the police but the police did not lodge any FIR and rather initiated proceedings under Sections 107/150 Cr.P.C against both the parties. In the given circumstances, it could be easily made out that the respondent coined false story and filed complaint (Annexure P-1) to harass her and to convey her a message that in future, she should not dare to raise any claim against the property of her in laws. Thus, it is evident that the allegations leveled in the complaint are false. In the given circumstances, the continuation of the complaint (Annexure P-1) would be an abuse of the process of Court. The complaint (Annexure P-1) deserves to be quashed even to secure the ends of justice.

9. In light of the above, the present petition is allowed and complaint (Annexure P-1) and all the subsequent proceedings arising therefrom including summoning order (Annexure P-2) are quashed.

04.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No