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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65397-2023 (O&M)
Date of decision : 10.01.2024

Suman

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana

Mr. Raj Kumar Gupta, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the complaint Annexure P-1, summoning order dated 03.02.2022 (Annexure P-3) and the order dated 05.10.2023 (Annexure P-5) passed by revisional court affirming the summoning order whereby the petitioner along with her husband have been ordered to be summoned to face trial for offences punishable under Sections 388, 389, 420, 467, 468, 471, 477, 500, 506 and 120-B of IPC.
2. Learned counsel for the petitioner relies upon complaint dated 06.12.2020 placed on record as Annexure P-2 as well as complaint dated 16.11.2012 placed on record as Annexure P-6 to submit that the bedrock of maintaining complaint is on the basis of said complaints which have been filed at the behest of the husband of the petitioner and not the petitioner.
3. Further submits that the Courts also while passing the impugned orders returned the finding to the same effect yet have summoned the petitioner along with her husband Partap Singh.

4. Learned counsel for the petitioner further relies upon the *M/s Pepsi Foods Ltd. Vs. Special Judicial Magistrate, 1998(5) SCC 749* to submit that the summoning in a complaint case is a serious business which must reflect application of mind by the concerned Court.

5. Notice of motion.

6. At this stage, Mr. Gaurav Bansal, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Raj Kumar Gupta, Advocate accepts notice on behalf of respondent No.2.

7. On being asked to point out the satisfaction recorded by the trial Court with respect to meeting of minds to satisfy the ingredients of Section 120-B IPC, so that the offence can be said to have travelled to the door of the present petitioner, Mr. Gupta fairly accepts that there is no such finding recorded by any of the Courts. He fairly submits that the matter be remanded back to the trial Court to decide the same afresh. Mr. Jindal is not opposed to the same.

8. Keeping in view the aforesaid admitted facts and the concession accorded by both the counsels, the impugned order dated 03.02.2022 (Annexure P-3) and that dated 05.10.2023 (Annexure P-5) passed by the revisional Court affirming the same are hereby ordered to be quashed qua the petitioner. Petition stands disposed off.

9. The trial Court shall decide afresh vis-a-vis the allegations levelled against the present petitioner and the nature of evidence that has come on record, in accordance with law.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

10.01.2024

Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes
No