



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

Sr. No. 126

CRM-M-9171-2025(O&M)

Date of Decision:18.02.2025

Harinder Kaur

...Petitioner

VERSUS

Paramjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baltej Singh Sidhu, Sr. Advocate assisted by
Mr. Chandan Singh, Advocate
for the petitioner.

SANJAY VASHISTH, J.(ORAL)

1. Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of complaint bearing No.CHI/38/2019 dated 09.04.2019 titled as Paramjit Singh Vs. Harinder Kaur and others (Annexure P-1) pending in the Court of Ld. JMIC, Garhshankar and summoning order dated 26.05.2023 (Annexure P-2) vide which the petitioner and others were ordered to be summoned for commission of offence under Sections 465/467/468/471 read with Section 120-B of IPC.

2. Learned Senior counsel for the petitioner *inter alia* contends that before filing of the impugned criminal complaint, respondent No.1 (Paramjit Singh) had moved complaints to the police, which were found to be false.

3. Learned Senior counsel further submits that to find out the truth whether petitioner is involved there in any manner, had there been any inquiry/investigation got conducted by the Ld. Magistrate under Section 202 Cr.P.C., it would have come on record that in similar allegations name of the petitioner or role is not assigned by the complainant in any manner.

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Therefore, no order for any inquiry under Section 202 Cr.PC before passing the impugned summoning order, has caused grave prejudice to the petitioner, as unnecessarily he will have to face the agony of a lengthy trial, despite there being no connection with the incident, because before filing the impugned complaint before learned Judicial Magistrate Ist Class, Garhshankar, respondent No.1 moved various complaints before the police, which were found to be false.

4. While noticing the submissions of the learned Senior Counsel, this Court finds that summoning Court has already recorded the preliminary evidence and for examining the sustainability of the complaint and the impugned orders, the evidence is required to be gone into, which in fact at the first instance can be done by the Court of Sessions in its revisional jurisdiction.

5. The summoned accused has not filed any revision petition, therefore, the present revision petition is *disposed of* with liberty to raise all pleas which has been raised through the present petition and has been addressed before this Court also before the revisional Court, if he is advised to file any revision petition within a period of 15 days from today.

6. In case, the petitioner files any revision petition before the Court of Sessions within next 15 days from today, same would be decided within the period of next 03 months by considering all the submissions which are to be addressed by the petitioner and prayer for stay of the proceedings would also be considered.

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7. No need to mention here that the revision petition would be decided on merits after examining the record and hearing of the submission *dehors* the limitation period, if any, involved.

**(SANJAY VASHISTH)
JUDGE**

**18.02.2025
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No