

2025.PHHC.017429



124.

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

CRM-M-48208-2024 (O&M)

Date of decision: 05.02.2025

Soni and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Neeraj Yadav, Advocate, for the petitioners.

MANJARI NEHRU KAUL, J. (Oral)

CRM-3866-2025

Application is allowed, as prayed for.

Annexure P-4 i.e. copy of complaint, is taken on record subject to all just exceptions.

CRM-M-48208-2024

Prayer in the present petition filed under Section 528 of BNSS, 2023, is for quashing the order dated 07.06.2024 (Annexure P-1) passed by learned Additional Sessions Judge, Gurugram, vide which, the revision petition filed by the petitioners was dismissed, and for modification of order dated 06.01.2023 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Pataudi, vide which, the petitioners were summoned in a complaint case bearing No.COMI-08 of 2019, dated 07.02.2019.

Learned counsel for the petitioners submits that the petitioners, all of whom are women, have been erroneously summoned by the learned

trial Court vide impugned order dated 06.01.2023 (Annexure P-2) in a complaint case, despite the absence of essential ingredients necessary to constitute the alleged offences under Sections 323, 325, 506 read with Section 34 of the IPC.

It is further contended that the summoning order (Annexure P-2) is based on vague and general allegations, without any specific averments detailing the manner in which the petitioners are alleged to have inflicted injuries upon the complainant and his family members. Learned counsel has also emphasized that the trial Court failed to appreciate that the complaint in question was filed by the respondent as a counter-blast to an FIR already registered against him at the instance of the petitioners. As per the learned counsel, the complaint was a retaliatory measure aimed at exerting undue pressure on them to enter into a compromise in the said FIR.

Learned counsel further submits that, being aggrieved by the summoning order, the petitioners had preferred a revision petition before the learned Revisional Court. However, the said court dismissed the petition vide order dated 07.06.2024, without appreciating that the complainant himself was facing criminal proceedings and had approached the court with unclean hands.

This Court has given its thoughtful consideration to the submissions advanced by learned counsel for the petitioners and has meticulously examined the record, including the summoning order, annexed as Annexure P-2.

A perusal of the summoning order reveals that specific and direct allegations have been made against the petitioners, attributing to them acts of physical assault on the complainant and his family members. The learned trial Court while issuing summons, therefore, did not act arbitrarily as had been urged by the learned counsel for the petitioners, but rather considered the material placed before it. The allegations in the complaint, annexed as Annexure P-4, have also been corroborated in the preliminary evidence of the complainant and Dr. Chanchal Singh, who medico legally examined the complainant.

It is a settled principle of law that at the stage of summoning, the court is not required to conduct a detailed appreciation of evidence but only to ascertain whether a prima facie case is made out against the accused. The sufficiency of evidence to sustain a conviction is a matter to be determined at trial, not at the threshold stage of issuance of process.

Furthermore, the mere fact that the petitioners are women does not, by itself, constitute a valid ground for quashing the summoning order, particularly when the allegations against them are specific and supported by prima facie evidence. It needs to be emphasized that the provisions of law afford no special exemption to women from criminal prosecution merely on account of their gender, except where specific statutory safeguards apply, it is not the case here.

In the light of the foregoing discussion, this Court finds no legal infirmity in the impugned orders.

Consequently, this Court does not deem it appropriate to exercise inherent jurisdiction under Section 528 of BNSS to interfere with the impugned orders. The present petition stands dismissed accordingly.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 05, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No