
(2013) 09 P&H CK 0478

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-2137 of 2011 (O and M)

Manjit Kaur and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: Sept. 18, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 202, 482

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: B.S. Baath, for the Appellant; Jaspreet Singh, AAG, Punjab and Mr. Ritesh Pandey, Advocate, for the Respondent

Final Decision: Allowed

Judgement

Sabina, J.

This petition has been filed by the petitioners u/s 482 of the Code of Criminal Procedure, 1973 (Cr.P.C. for short) for quashing of criminal complaint No. 366/27.9.2008 (Annexure P-3) and all the subsequent proceedings arising therefrom including summoning order dated 18.8.2010 (Annexure P-4). Learned counsel for the petitioners has submitted that the trial Court had sought report u/s 202 Cr.P.C. As per the said report (Annexure P-2), the police had reported that from inquiry, allegations levelled in the complaint were not true. However, while passing the impugned summoning order dated 18.8.2010 (Annexure P-4), the Magistrate had failed to consider the report (Annexure P-2).

2. Learned counsel for respondent No. 2, on the other hand, has opposed the petition and has submitted that the impugned summoning order was passed after considering the report (Annexure P-2).

3. In the present case, petitioner No. 3 got married to respondent No. 2 on 28.2.2000. They were blessed with a son out of the said wedlock. Respondent No. 2 has filed the complaint in question (Annexure P-3) levelling allegations that the

petitioners had been harassing her on account of insufficiency of dowry and had been demanding more dowry from her.

4. In support of her case, respondent No. 2 led her preliminary evidence.

5. Admittedly, the trial court sought a report from the police u/s 202 Cr.P.C. before passing the summoning order. After inquiry, report (Annexure P-2) was submitted by the Assistant Sub Inspector, Police Station Ghoman. The said report is dated 29.11.2009. As per the report, after inquiry the allegations levelled in the complaint were found to be false. However, a perusal of the impugned summoning order reveals that while passing the same, the trial Court had failed to consider the report (Annexure P-2) as no reference has been made to the said report in the impugned order. Since the report had been called by the Magistrate u/s 202 Cr.P.C., the trial Court should have atleast referred to the said report, while passing the summoning order. Accordingly, this petition is allowed. Impugned summoning order dated 18.8.2010 (Annexure P-4) is set aside. Trial Court is directed to pass a fresh order in accordance with law.