

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1605 OF 2009
[Arising out of SLP(Crl.) No. 1678/2009]

KARAMPAL KAUR

... APPELLANT(S)

:VERSUS:

STATE OF PUNJAB AND ANR.

... RESPONDENT(S)

O R D E R

Leave granted.

During the pendency of the trial in a dowry case filed under Section 498-A of I.P.C., an application under Section 319 of the Code of Criminal Procedure was moved by the prosecution for summoning Karampal Kaur as an accused. The said application was dismissed by the Chief Judicial Magistrate, Muktsar vide his order dated 31.8.2007.

Against the aforesaid order of the Chief Judicial Magistrate, Muktsar, a criminal revision was filed by the complainant - respondent No.2 herein, before the Sessions Judge, Muktsar. The learned

Additional District and Sessions Judge, Muktsar while accepting the revision petition, set aside the order dated 31.8.2007 passed by the Chief Judicial Magistrate and allowed the application under Section 319 Cr.P.C.

Against the aforesaid order, the appellant filed a revision before the High Court. The High Court upheld the order dated 1.4.2008 passed by the Additional District and Sessions Judge, Muktsar and dismissed the revision petition.

Aggrieved by and dissatisfied with the order passed by the High Court, the appellant has preferred this appeal by special leave.

This Court issued notice on 2.3.2009 and in pursuance of the said notice, Mr. Vivek K. Goyal, learned counsel has appeared for the State of Punjab and Mr. Arvinder Singh, learned counsel appeared for respondent No.2.

We have heard the learned counsel appearing for the parties.

In the entire statement of PW-1 Jagwinder Kaur,

the only allegations against the appellant is that goods, like suits, utensils, bedding etc. were kept by her in box and Almirah. There is no other allegation against the appellant in this case. This allegation, in our opinion, is hardly sufficient to convict the appellant for the offence under Section 498-A of Cr.P.C. Compelling the appellant to face the criminal trial on the basis of this allegation would be an abuse of the process.

The impugned order of the High Court is totally devoid of any merit and it is accordingly set aside. Consequently, the summoning order passed under Section 319 Cr.P.C. against the appellant is quashed.

The appeal is allowed and disposed of with the aforementioned observations.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
AUGUST 24, 2009.