

Petition(s) for Special Leave to Appeal (Crl) No(s).5700/2009

(From the judgement and order dated 03/03/2009 in CRLM No. 47634/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PREM DEVI Petitioner(s)

VERSUS

BIR SINGH & ANR. Respondent(s)

(With appln(s) for stay)

Date: 02/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Manish Kumar, Adv.  
Ms. Bachita Baruah , Adv.  
Mr. Mukesh Kumar, Adv.  
Mr. J.L. Mehta, Adv.  
Mr. Rakesh K. Sharma,Adv.

For Respondent(s) Mr. Pramod Swarup, Sr. Adv.  
Mr. Vikrant Yadav, Adv.  
Mr. Vishal Malik, Adv.  
Mr. M.C. Dhingra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The Appeal is allowed.

The trial court will decide the criminal complaint in question uninfluenced by any observations made either by this Court or by the High Court.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO....1418.....OF 2010  
(ARISING OUT OF SLP(CRL.) No(s).5700/2009)

PREM DEVI Appellant (s)

VERSUS

BIR SINGH & ANR. Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

This appeal has been filed against the impugned judgment of the High Court of Punjab & Haryana dated 03.03.2009.

The facts of the case have already been mentioned in the impugned judgment and hence we are not repeating them here.

It appears that the appellant had filed a criminal complaint which has been quashed by the High Court under Section 482 of Code of Criminal Procedure.

On a perusal of the said criminal complaint, we are of the opinion that, prima facie, an offence is made out.

Hence, the High Court should not have quashed the criminal complaint in question.

The Appeal is allowed accordingly and the impugned judgment of the High Court is set aside.

The trial court will decide the criminal complaint in question uninfluenced by any observations made either by this Court or by the High Court.

.....J.  
(MARKANDEY KATJU)

.....j.  
(T.S. THAKUR)

NEW DELHI  
AUGUST 02, 2010.