

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-14649 of 2014

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Date of decision:16.1.2015

Zora Singh

.....Petitioner

v.

Prem Singh and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.L. Batta, Senior Advocate with Mr. Mandeep
K. Saajan, Advocate for the petitioner.

Mr. P.S. Punia, Advocate for respondent No.1.

None for respondents No.2 to 5.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C.
praying for quashing of criminal complaint dated 27.9.2011 (Annexure-
P.1) filed for the offences under Sections 323, 325, 447, 506, 148 and 149
IPC and summoning order dated 4.1.2014 passed by learned Judicial
Magistrate Ist Class, Jagraon.

Notice of motion has been issued in this case.

Mr. P.S. Punia, learned counsel has put in appearance on
behalf of respondent No.1 and contested this petition.

I have heard learned counsel for the petitioner and learned

counsel for respondent No.1 and have gone through the record.

From the record, I find that complaint has been filed by Prem Singh against Zora Singh, Avtar Singh, Kulwant Singh, Shingara Singh and Jasvir Singh for the offences under Sections 323, 325, 447, 506, 148 and 149 IPC. As per allegations in the complaint, on 10.8.2011 at about 7.30 a.m., all the accused along with 60/70 persons came to take forcible possession of complainant's land and they criminally trespassed into his land and were liable under Section 447 IPC. They were having three tractors for cultivation/sowing of paddy crop. Zora Singh was armed with rifle and only 'Lalkara' is attributed to him. As per the complainant's version, Shingara Singh caused injury with sword from the blunt side on the index finger, which falls under Section 325 IPC and a 'Dang' blow is stated to have been given by Avtar Singh and Kulwant Singh, which is injury No.3.

At the time of arguments, learned counsel for the petitioner argued that only 'Lalkara' is stated to have been attributed to the present petitioner. No injury has been attributed to him. Secondly, the petitioner is 90 years old person and he has been falsely involved in the present complaint. A person of 90 years will not come for fighting and the version is otherwise improbable. He further argued that the whole family of the present petitioner has been involved. Learned counsel for the petitioner next argued that there is also delay of about 1½ months in filing the complaint after the occurrence. Two injuries are only on finger and thumb and one injury with blunt weapon is stated to be on the head. He

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argued that as regards possession litigation is going on and status quo order has already been passed by the Court.

Keeping in view the facts and circumstances of the present case and the fact that there is delay of about 1½ months in filing the complaint and in view of the injuries and that petitioner No.1 and three other persons are named as accused and in view of the fact that no injury is attributed to the present petitioner and only 'Lalkara' is attributed to him and further as per the passport placed on the record, the petitioner is of 90 years, I find that filing of the complaint against the present petitioner is nothing, but an abuse of the process of the law. This version on the face of it looks improbable that a person of 90 years will go for fighting with the complainant side.

Keeping in view the facts and circumstances of the present case, I find merit in the present petition and the same is allowed qua the present petitioner. The complaint as well all subsequent proceedings qua present petitioner Zora Singh are quashed.

January 16, 2015.

(Inderjit Singh)
Judge

hsp