

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

**CRM-M No.20126 of 2012 (O&M)
Date of decision: - 03.09.2015**

Sushil Kumar and others

...Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Kuldeep Singh Saini, Advocate,
for the petitioners.

Mr. A.S. Kler, D.A.G., Punjab
for respondent No.1.

Mr. Chander Kant Thakur, Advocate
for respondent No.2.

SHEKHER DHAWAN

Present petition under Section 482 Cr.P.C. for quashing of Complaint No.81 dated 28.05.2007, under Section 323, 325, 506, 504 and 34 IPC, pending in the Court of JMIC Dasuya and summoning order dated 12.01.2010 (Annexure P-1), passed by JMIC Dasuya.

2. Learned counsel for the petitioners urged that petitioners are law abiding citizen and have been falsely implicated in the above-said complaint, which is otherwise politically motivated. Petitioner Nos.2 and 3 are senior citizens. Petitioner No.1 was not even present in India, rather he was in Italy on the date of occurrence. More so, the complaint was filed

witnesses. So, the present petition be accepted and Complaint No.81 dated 28.05.2007 and summoning order dated 12.01.2010 be set aside.

3. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that learned Magistrate has passed the order on the basis of evidence available before the Court. Plea of *alibi* on the part of petitioner No.1 and other pleas been taken by petitioner Nos.2 and 3 are such a ground, which petitioners can take before learned trial Magistrate. There is no illegality, much less perversity, to quash complaint No.81 dated 28.05.2007 and summoning order dated 12.01.2010.

4. Resultantly, the present petition without any merit and stands dismissed.

September 03, 2015

naresh.k

(SHEKHER DHAWAN)

Judge