

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

**CRM No.M-32056 of 2014 (O&M)**  
**Date of Decision: October 20, 2015**

Khushkismet Singh and others

...Petitioners

**VERSUS**

Hazara Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Harpal Singh Sirohi, Advocate  
for the petitioners.

Mr.Sandeep Arora, Advocate  
for the respondent.

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**INDERJIT SINGH, J.**

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of complaint No.2 dated 05.08.2013 under Sections 452, 323, 427, 354 IPC and Section 3 of the Prevention of Scheduled Caste and Scheduled Tribes and Atrocities Act and summoning order issued by learned Judicial Magistrate, Batala vide order dated 17.08.2013.

Notice of motion was issued and learned counsel for the respondent appeared and contested the petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that in this case charges have

already been framed and two witnesses have already been examined-in-chief, which means that the trial Court has already taken the cognizance. Learned counsel for the petitioners at the time of arguments argued that offence under Section 3 of the SC/ST Act has not been made out. He has nowhere argued regarding other offences under Sections 452, 354, 427 and 323 IPC, as to whether they are made out or not.

I have also gone through the complaint. From the perusal of the complaint, in no way, it can be held that no offence is made out. This Court in the quashing petition is not to see whether one offence is made or one offence is not made out. It is for the trial Court to see what charges, prima facie, are made out against the accused. Even the charges can be amended by the Court during the pendency of the trial.

Furthermore, even if the trial Court on the basis of the evidence finds that some charges are not made out or proved or in some of the offences, the prosecution proved the lesser offence, then the trial Court can pass the order accordingly by either acquitting the accused or convicting the accused for lesser offence. These are not the grounds for quashing the complaint.

Learned counsel for the petitioners further argued that this complaint is false and some material facts have been concealed while filing the complaint. On this ground, I find that these findings can be given by the trial Court on the basis evidence produced before it. At this stage, in the quashing petition, without any evidence before this

Court, in no way, it can be held that the averments made in the complaint are false.

From the record, I do not find that at this stage, it can be held that the filing of complaint is abuse of process of law or no offence has been committed by the petitioners. The trial Court has already taken the cognizance. Charges have already been framed and two witnesses have already been examined in chief. Therefore, In view of the above discussion, no ground for quashing the complaint is made out.

Therefore, finding no merit in the present petition, the same is dismissed.

**October 20, 2015**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**