

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

**CRM-M-32202 of 2014
Date of Decision: 14.7.2015**

Yashpal

--Petitioner.

Vs.

Ram Kishan and others

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Tara Chand Dhanwal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of order dated 17.10.2013 (Annexure P-4) passed by the learned Judicial Magistrate 1st Class, Bhiwani, and revisional order dated 17.2.2014 (Annexure P-6) passed by the learned Additional Sessions Judge, Bhiwani, whereby accused No. 1 to 7 were summoned in the criminal complaint filed by the petitioner, whereas summoning was declined qua remaining accused No. 8 to 12.

Learned counsel for the petitioner submits that both the learned courts below have misdirected themselves, while passing the

impugned orders, because there was sufficient material available on record to summon the remaining accused No. 8 to 12, as well. He further submits that accused persons had a strong motive to falsely implicate the petitioner and his family members in FIR No. 125 dated 26.4.2013 under Sections 147/149/323/324 IPC registered at Police Station Bawani Khera. The reason for falsely implicating the complainant and his family members was that they won the election of Sarpanch, held in their village in the year 2010 and because of this political rivalry, petitioner and his family members were falsely implicated. He would next contend that all the 12 accused hatched a conspiracy against the petitioner and his family members in furtherance of their common intention and respondents-accused caused as many as 3 injuries on the person of the petitioner and 3 injuries on the person of Raj Kumar. All the 12 accused ought to have been summoned by the learned courts below. He concluded by submitting that since the learned trial court as well as learned revisional court have failed to appreciate the true factual as well as legal aspect of the matter, while passing the impugned orders, the same were not sustainable in law. He prays for setting aside the impugned orders to the extent that accused No. 8 to 12 have not been summoned, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that in the given fact situation of the present case, instant one has not been found to be a fit case,

warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C. To say so, reasons are more than one, which are being recorded hereinafter.

It is aptly said that enmity works as a doubled edged weapon. In the present case, petitioner as well as some of his family members have been facing criminal trial, arising out of FIR No. 125 dated 26.4.2015, which was registered against them, at the instance of the respondents herein.

Learned counsel for the petitioner has contended that the said FIR was registered against the petitioner and his family members because of political rivalry between two factions in the village, as election of the Sarpanch was successfully contested by the petitioner side, due to which respondents were having a grudge against the petitioner and his family members. After registration of the said FIR, at the hands of some of the respondents against the petitioner and his family members, petitioner was having a strong motive to implicate the maximum number of persons of the opponent group.

When the allegations levelled by the petitioner in his complaint before the police against the respondents were not found substantiated, he filed a complaint against as many as 12 persons, vide Annexure P-1. In fact, petitioner did not spare the police officials and even the Doctor. After careful examination of the pre-summoning evidence brought on record, learned trial court issued the summoning order dated 17.10.2013 (Annexure P-4) against accused No.1 to 7. So far as other accused No. 8 to 12 were concerned, no

case for summoning them was made out and prayer of the petitioner was declined qua accused No.8 to 12.

Feeling aggrieved, petitioner filed his revision petition, which came to be dismissed by the learned Additional Sessions Judge, Bhiwani, vide Annexure P-6. A careful perusal of the impugned order Annexure P-6 would show that learned Additional Sessions Judge, has re-appreciated each and every aspect of the matter, before arriving at a judicious conclusion to the effect that allegations levelled by the petitioner against the doctor, who was serving in the Government hospital as well as the police officials, were not found worth acceptance and rightly so, because the allegations were found not only factually incorrect but the same were frivolous as well.

After a detailed deliberation, learned Additional Sessions Judge passed the impugned order Annexure P-6, whereby revision petition filed by the petitioner was dismissed. Having said that, this Court feels no hesitation to conclude that learned trial court as well as revisional court committed no error of law, while passing their respective impugned orders and the same deserve to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner failed to point out any jurisdictional error or patent illegality in either of the impugned orders, so as to convince this Court to take a different view than the one taken by the learned courts below. Thus, the impugned orders deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with abovesaid observations made, present criminal revision petition stands dismissed, however, with no order to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

14.7.2015
AK Sharma