

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

**CRM-M-34959 of 2013
Date of Decision : 01.07.2015**

Bala Devi and others

..... Petitioners

Versus

Bimla Devi and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. **Whether reporters of local newspaper may be allowed to see judgment?**
2. **To be referred to reporters or not?**
3. **Whether the judgment should be reported in the digest?**

Present: Mr. S. N. Yadav, Advocate
for the petitioners.

Mr. Ram Pal Verma, Advocate
for respondent No.1.

Mr. Deepak Sabherwal, Addl. A.G., Haryana
for respondent No.2-State.

FATEH DEEP SINGH, J.

The petitioners-Bala Devi, Bhagwan and Reena all filed this petition under Section 482 Cr.P.C. seeking setting aside of complaint dated 11th July, 2009 (Annexure P1) as well as summoning orders dated 16th March, 2010 (Annexure P5) passed by learned Judicial Magistrate, 1st Class, Jhajjar whereby they were summoned as accused in a private complaint under Sections

323, 324, 452 and 506 IPC.

Heard Mr. S. N. Yadav, Advocate for the petitioners, Mr. Ram Pal Yadav, Advocate for respondent No.1 and Mr. Deepak Sabherwal, Addl. A.G., Haryana for respondent No.2-State and perused the records of the case.

It is the case of the petitioners that respondent No.1 had caused injuries to petitioner No.1-Bala Devi regarding which the case by way of FIR No.347 dated 27th June, 2009 under Sections 323, 324, 506 and 34 IPC was registered with Police Station Jhajjar, District Jhajjar. It is alleged by the petitioners that respondent No.1-Bimla Devi instituted a false criminal complaint against the petitioners by way of counter-blast on the basis of false and fabricated evidence for which they have been summoned and hence, sought setting aside of the same.

The State has taken a stand in their reply that no such incident was brought to the notice of the Police by the complainant and the private complaint has been lodged without seeking police help.

From the perusal of the records, it is amply clear that the date of occurrence in the State case as well as complaint case is 26th June, 2009 around 6:00 pm. It is the stand of the private complainant that when she went to her plot to throw garbage, the accused-Bala Devi and others came there and abused her and was given injuries by them and precisely the averments of the

complainant in the State case harbour around the same time and place who admits her presence there and thus, the matters which can be only judiciously adjudicated after the parties lead their respective evidence.

It is well settled law that the Courts are not supposed to interpret the evidence while exercising the powers under Section 482 Cr.P.C. It is a matter of defence of the two sides regarding their claim and counter-claim of being the actual victim of this episode. Moreover, it is squarely admitted by the counsel for the petitioners that they did not invoke the provisions of Section 245 Cr.P.C. which empowers the learned Magistrate to discharge the persons who are arrayed as an accused, if he is satisfied that unrebutted evidence would not warrant the conviction. It is evident from the orders of the learned Magistrate passed under Section 202 Cr.P.C. whereby he has referred the matter to the local police and after seeking report has taken cognizance of the complaint vide its orders dated 16th March, 2010. Evidently, the private petitioner's injuries are supported by medical evidence as well and it would be quite difficult to comment upon the veracity of respective allegations of the two sides, at this stage. Moreover, since there are specific provisions enshrined in the Code of Criminal Procedure by way of Sections 245, 397, 399, therefore, exercise of inherent powers under Section 482 Cr.P.C. are highly uncalled for. Reliance placed on

2013(3) R.C.R. (Crl.) 673, “Mohit @ Sonu and another Vs. State of U.P. and another”. Moreover, exercise of such inherent powers by this Court are to be done sharingly in the rarest of rare cases where the ends of justice so demand. In the present set up of circumstances there is no such eventuality for this Court to show indulgence.

Thus, in the totality of what has been detailed and discussed, there is no merit in the petition. The same stands dismissed.

July 01, 2015

Dpr

**(FATEH DEEP SINGH)
JUDGE**