

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-34307 of 2015

Date of decision : 07.10.2015

Beena

... Petitioners

versus

Paras Ram and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jamshed Ahmed, Advocate
for the petitioner

ANITA CHAUDHRY, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the order dated 09.07.2015 vide which the revision filed by the petitioner was dismissed by the Additional Sessions Judge, Mewat. The petitioner is also seeking quashing of the order passed by the Chief Judicial Magistrate, Mewat.

An application under Section 319 Cr.P.C. was filed by the petitioner which was dismissed. To appreciate the context it is necessary to cull out the facts.

The petitioner lodged FIR No. 284 on 01.07.2014 which was registered under Section 323, 506, 34 IPC. The police had filed challan against Dinesh, Mahesh and Sumesh. After the statement of the complainant, an application under Section 319 Cr.P.C. was moved. The Chief Judicial Magistrate Mewat dismissed the application on 03.06.2015.

The trial Court noted that there were no specific allegations attributed to these three persons in the FIR but when the complainant stepped into the witness box, she had made improvements.

Aggrieved with the order the complainant preferred a revision which was dismissed by the Additional Sessions Judge on 09.07.2015.

Learned counsel for the petitioner urges that presence of three persons is recorded in the FIR and the complainant had named them in her statement before the Court and has ascribed a role to them and the trial Court as well as the revisional Court had erred while dismissing the prayer. The counsel had referred to the FIR and to the statement made by Beena.

Learned counsel for the petitioner was asked to place on record the MLR. The same is taken on record.

I have gone through the statement of PW-1 and the orders to which challenge is laid by the petitioner. We find that the complainant had improved upon her statement in the Court. No specific role was assigned to these three persons who are now sought to be summoned. The complainant while appearing in the witness box had assigned different roles to each of them. The MLR does not reflect corresponding injuries. It appears that the complainant had made improvements so as to widen the net and involve the rest of the family members. The revisional Court had examined the point raised by the petitioner exhaustively. There is no infirmity in the orders passed by the Court below.

The petition is dismissed.

October 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**