

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

**Criminal Misc.No.M-35411 of 2015
Date of Decision: November 28, 2015**

Anil Kumar & Anr.

...Petitioners

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Mukesh Yadav, Advocate,
for the petitioners.

Naresh Kumar Sanghi, J.(Oral)

Challenge in the present petition is to the judgment dated 15.06.2015 passed by learned Additional Sessions Judge, Narnaul, whereby the revision petition filed by the petitioners challenging their summoning for the offence punishable under Section 323, IPC, by learned Judicial Magistrate Ist Class, Mahendergarh, was dismissed.

Learned counsel has attempted to set up a case that as a counter blast to the allegations levelled against the complainant side, the false and frivolous complaint has been presented by the respondent. He further submits that even if the whole case of the complainant is taken at its face value then also the case for summoning of the petitioners is not made out.

I have heard learned counsel for the petitioners and

with his able assistance gone through the material available on record.

So far as the setting up of the counter case by the petitioners is concerned, the same can be answered on the basis of evidence to be led by the parties before learned trial Court. While exercising the jurisdiction under Section 482, Cr.P.C., this Court would not be in a position to give a certificate to the petitioners that what they have stated in their defence in the present petition is correct. While dealing with a complaint at the stage of summoning, the Court has to see the allegations levelled in the complaint and the preliminary evidence led and on those basis, the Court has to form the opinion as to whether prima facie case for summoning of the accused is made out. Not only learned Summoning Court but the Revisional Court has also scanned the facts and thereafter, both the Courts below were *unison* that prima facie case for proceeding against the petitioners for the offence punishable under Section 323, IPC, was made out.

In view of the above, no case for interference while exercising the jurisdiction under Section 482, Cr.P.C., by this Court is made out.

Dismissed.

November 28, 2015
seema

(Naresh Kumar Sanghi)
Judge

