

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-37774 of 2014

Date of decision : 15.12.2015

Jaspal Singh and another

..... Petitioners

versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.P. Bhardwaj, Advocate
for the petitioners

Mr. Arshdeep S. Kler, DAG Punjab

Mr. B.P.S. Virk, Advocate
for respondents No. 7, 9 and 10

ANITA CHAUDHRY, J. (ORAL)

This is petition filed under Section 482 Cr.P.C. for issuing direction to the police to register FIR.

The petitioners had pleaded that the private respondents were in the habit of creating nuisance and on 05.08.2014 at about 7 o'clock they collected garbage in front of the petitioners' house and thereafter private respondents forcefully entered in the petitioners' house and threw their utensils. The petitioners stopped them from doing so then the persons named by him accompanied by one other person Vicky attacked on the scalp of petitioner No. 1 and he fell unconscious. Thereafter, Rozi and Happy caught petitioner No. 2 abused and assaulted her and tore her clothes and pulled her hair. The petitioners approached the police on the same day. It was pleaded that the petitioners were taken away forcibly and illegally detained and on the next day petitioner No. 1 was admitted in the

hospital and doctor had sent ruqa to the police station and statement of petitioner No. 1 was recorded but no case was registered. It was pleaded that respondent No. 7 was a lady who did not have good reputation and they were receiving threats and as per ***Lalita Kumari vs. Govt. of U.P. and others, 2013(4) RCR(Crl.) 979*** registration of the FIR was mandatory.

Notice was issued to the respondents. They had appeared and filed their reply.

Respondents No. 1, 2, 4 and 6 in their reply had submitted that petitioner No. 1 got admitted in the Civil Hospital and made a statement but no cognizable offence was made out and proceedings under Sections 107/151, 107/150 Cr.P.C. were initiated. It was pleaded that on 11.08.2014, petitioner No. 2 got recorded her statement to the effect that she had entered into a compromise with the private respondents and did not require any further action on her complaint. It was pleaded that representation was given to the SSP, Police District Khanna which was marked to the SHO and the SHO, P.S. City Khanna got the matter enquired into by ASI Ajmer Singh by joining the complainant in the inquiry and after recording her statement Annexure R-2/T he had sent the same for final hearing. It was pleaded that the report submitted by the SHO was approved by SSP and the complaint was consigned.

Respondents No. 7, 9 and 10 in their reply had pleaded that false allegations have been levelled and they had not thrown any garbage in front of the petitioners' house and a false complaint was made to the police. Thereafter, petitioner No. 2 had made a

statement that she did not want to pursue her complaint and on that basis the complaint was filed and false and scandalous allegations had been levelled with a view to tarnish their character and they were reserving their right to prosecute them. It was pleaded that proceedings under Section 107/151 Cr.P.C. were initiated against them and the petitioners in connivance with the local police were harassing them.

I have heard both the sides.

The prayer made by the petitioners is for issuing direction to the police to register the FIR. The counsel was asked to refer to the copy of the MLR. According to MLR, injury No. 1 was on the top of the scalp. The doctor had given the opinion that the injury was simple. Learned counsel for the petitioners had urged that it was injury under Section 326 IPC. The State had taken a stand that the injuries were simple and no cognizable offence was made out and, therefore, no FIR could be registered.

The injury is shown to be simple. The offence is non-cognizable. In view of the above, no further directions are required to be passed. However, the petitioners are at liberty to avail the remedies which are available to them under law.

The petition is dismissed.

December 15, 2015

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**(ANITA CHAUDHRY)
JUDGE**