

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-41766 of 2014

Date of Decision: September 04, 2015

Dalvir Singh and others

...Petitioners

VERSUS

Darshan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Shamsher Singh Gill, Advocate
for the petitioners.

None for the respondent.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of complaint No.91 dated 16.08.2010 under Sections 323, 324, 341, 354, 506, 148 and 149 IPC registered at Police Station Payal, summoning order dated 17.09.2012 under Sections 323, 324, 506 and 34 IPC passed by learned Judicial Magistrate Ist Class, Ludhiana, judgment dated 20.08.2014 passed by learned Addl. Sessions Judge, Ludhiana and all the consequent proceedings.

Notice of motion was issued in this case but none appeared on behalf of the respondent to contest the petition.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that Darshan Singh filed a complaint against Dalbir Singh, Paramjit Singh, Sarabjit Singh, Bhupinder Singh @ Binder Singh and Janti under Sections 323, 324, 341, 354, 506, 148 and 149 IPC. The complainant led the preliminary evidence and examined himself as CW-1. He deposed that on 10.04.2010 at about 2.30 P.M., he was going to Rara Sahib for some domestic affairs and when he reached near his field, Dalbir Singh, Bhupinder Singh, Paramjit Singh, Sarabjit Singh and Janty, by forming a unlawful assembly, came on a tractor trolley loaded with mustard seeds crops and with deadly weapons. Bhupinder Singh @ Binder Singh was having gandasa and Janty was having a tangli in their hand and others were unloading the mustard seed crops from the trolley in the field of complainant with a view to dispossess him from khasra No.2513.2 min. As per the complainant's version, Dalbir Singh raised a *lalkara*. Bhupinder Singh @ Binder Singh gave a gandasa blow on radial side of right fore-arm, Janti gave a tangli blow on the back portion near neck of the complainant. The wife of the complainant came at the spot. Accused Paramjit Singh and Sarabjit Singh threatened to kill the complainant and his wife. Slaps were also given by accused to complainant's wife and they also torn her clothes. The motive behind the occurrence was that accused persons wanted to dispossess the complainant from the land as the complainant had filed a civil suit against the accused persons and status quo order was passed. CW-1 Darshan Singh also deposed that accused persons lodged a false FIR No.100 dated 11.04.2010 under Sections 323, 324

and 506 IPC against the complainant. CW-2 Rajinder Kaur, wife of the complainant was also examined in preliminary evidence. CW-3 Karnal Singh proved on record the DDR register in which the statement of the complainant was recorded. CW-4 Dr.J.P.Singh, Medical Officer proved the MLR regarding the injuries suffered by the complainant. In view of this preliminary evidence, the Court summoned only Dalbir Singh, Bhupinder Singh and Janti under Sections 323, 324 and 506 IPC. Against the summoning order, a revision was filed, which was also dismissed by learned Addl. Sessions Judge, Ludhiana vide judgment dated 20.08.2014.

At the time of arguments, learned counsel for the petitioner argued that a false complaint has been filed by the complainant and it is counter blast to the FIR and therefore, the complaint as well as the summoning order should be quashed.

The perusal of the record shows that complainant has received an incised wound 5 x 1 cm on radial side of right forearm, bone deep and it was opined by the doctor that this injury cannot be treated as self-suffered. The complainant's version is supported by complainant himself and his wife while appearing in preliminary evidence. The doctor has also been examined. The complainant has further brought the witness to prove the DDR. As per the DDR, statement of the complainant was also recorded.

At the time of summoning, the Court is to see whether there are sufficient grounds to proceed against the accused or not.

From the preliminary evidence, there are sufficient grounds to proceed

against the accused. At this stage, in no way, it can be held that the complaint filed by the complainant is false and it has been filed as counter blast.

The Magistrate has already taken the cognizance in this case. There is nothing on the record to show that the filing of the complaint amounts to miscarriage of justice or abuse of process of the law nor it can be held that no offence is made out from the perusal of the complaint.

Therefore, finding no merit in the present petition, the same is dismissed.

September 04, 2015
Vgulati

(INDERJIT SINGH)
JUDGE