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

CRR No.2540 of 2013 (O&M)

Date of Decision: December 03, 2015

Govind

.....Petitioner

Versus

Purushottam and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Mahender Singh Chahal, Advocate
for the petitioner.

SABINA, J.

Respondents No.1 to 4 had faced trial in FIR No.68 dated 21.06.2010, under Sections 323, 324 read with Section 34 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Loharu.

Trial Court vide order dated 10.09.2010 acquitted respondents No.1 to 4 of the charges framed against them. The said order of acquittal was upheld by the Appellate Court vide order dated 15.01.2013. Hence, the present petition.

Prosecution story, in brief, is that on 15.06.2009, during midnight, complainant Govind Ram was sleeping in the courtyard of his house. In the meantime, respondents No.1 to 4 armed with weapons came to the spot. Purushottam gave a Hockey blow on the head of the complainant. Shiv Parkash alias Sonu gave a knife blow

on the lower lip of the complainant. Narottam gave a Hockey blow on the right hand of the complainant. Raju Devi gave fist and leg blows on the person of the complainant. On hearing alarm raised by the complainant, his brother Gautam reached the spot and rescued the complainant.

The Courts below while ordering the acquittal of the respondents No.1 to 4 have noticed that parties are closely related to each other. Daughter of the accused Purushottam was married to son of the complainant and a criminal case under Sections 498-A, 406 IPC had been registered against the complainant. It has been noticed by the Appellate Court that the complainant in his statement before the police had not disclosed the relationship between the parties nor had disclosed any motive qua the occurrence. Thus, the complainant had suppressed material facts while lodging the FIR. It has been further noticed by the Appellate Court that Ravinder son of the complainant was married to daughter of Purushottam, whereas, Rahul son of Gautam (brother of the complainant) was married to another daughter of Purushottam. Gautam was also having litigation with Purushottam. Divorce case had been filed by Rahul against his wife. Thus, the complainant as well as alleged eye witness were having litigation with the accused party.

It has been further noticed by the Appellate Court that there was some ceremony in the house of the complainant on 15.06.2009 and respondents No.1 to 4 had come to attend the same. The said story was rightly held to be not believable as the accused had no occasion to attend the ceremony from Rajasthan as they were not having good terms with the complainant party.

The reasons given by the Courts below while ordering the acquittal of respondents No.1 to 4 are sound reasons and call for no interference.

Dismissed.

(SABINA)
JUDGE

December 03, 2015
mahavir