

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

CRR-1062-2015 (O&M)

Date of decision : 13.08.2015

SITA RAM AND ORS

..... PETITIONERS

VS

STATE OF PUNJAB

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Riffi Bala Birla, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. A.K.Khunger, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioners have challenged the order framing charge. At the very outset learned counsel for the petitioners has very fairly stated that she would restrict her prayer only to the invocation of Sections 452 and 459 IPC. As per learned counsel the entire case against the petitioners is a tissue of lies, but even if it is taken to be true for the sake of argument, yet the complainant has herself stated that she went to the house of petitioner No.1 and she was assaulted by him and the other petitioners in the said house. As per learned counsel in these circumstances in any case Sections 452 and 459 IPC cannot be invoked. Learned counsel for the complainant as well as learned DAG are not in a position to refute this argument. It may be mentioned here that the complainant has stated in FIR as follows :-

"I along with my daughter Kavita aged about 13 years went to the Dhani of Sita Ram which he has constructed outside his village Sabuana in his land....."

and it was in this *Dhani* that the alleged incident took place.

In the circumstances it has to be held that the invocation of Sections 452 and 459 IPC are ex-facie not maintainable.

Resultantly, the limited prayer made by the learned counsel for the petitioners is allowed and the charge framed against the petitioners under Section 452 and 459 IPC is quashed.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

August 13, 2015
Sunita