

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1983-MA of 2015

DATE OF DECISION: AUGUST 5, 2016

DR. MAHESH ADLAKHA

...APPLICANT

VERSUS

RAKHI PRABHAKAR & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

PRESENT: MR. VIVEK SURI, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

1. Complainant Dr. Mahesh Adlkaha, aggrieved by the acquittal of respondents of the charges under Section 323, 452, 506, 148 and 149 IPC has filed the present application seeking leave to prefer an appeal.

2. It is the case of the complainant that respondent No.1, who is the landlady of the premises let-out to the complainant entered into the premises in occupation of the complainant alongwith other respondents and attacked the complainant with leather belts, chairs, helmets and buckets. They also delivered fist blows to him.

3. We heard the submissions made by learned counsel appearing for the applicant.

4. A private complaint lodged by the applicant preceded a complaint before the police which culminated in registration of a DDR marked as Ex.CW2/A. It is to be seen that except the name of accused Rakhi, no other name was found in the above DDR entry. But by way of an improvement, the private complaint was launched before the competent

Judicial Magistrate with a delay of 29 days giving out the names of all the four respondents. The trial Court has rightly doubted the version of the complainant in the private complaint, inasmuch as except the name of accused Rakhi, no other name of the accused figured in the DDR registered on the basis of the complaint given by the complainant.

5. Mark A demonstrates that there was a compromise between the complainant and respondents No.2 and 3, but accused Rakhi did not figure as one of the parties to the compromise entered into between them. The very fact that the main accused cited by the complainant did not figure in the compromise entered into between the parties throws doubt on the version of the accused that accused Rakhi also participated in the occurrence. The trial Court having thoroughly examined the materials on record came to the conclusion that there are material contradictions in the testimony of the witnesses on the side of the complainant.

6. To top it all, the witnesses Bharat Bhatia and Ashok have deposed that on the date of alleged occurrence, they were not at all present in the neighbourhood. They proceeded further to depose that no such incident took place on the date and time alleged by the complainant. Further, as per the version of the complainant, father of the complainant rushed to the scene of occurrence and witnessed the same. Surprisingly, he was not examined as a material witness on the side of the prosecution.

7. We perused the copy of the medico-legal report produced by the applicant. It reflects that the complainant had sustained only a bruise and that apart, he had expressed pain in his body. The above injuries could

very well be self-suffered.

8. For all these reasons, we are of the considered view that there is no merit in the application seeking leave to prefer an appeal. Therefore, the leave sought for is declined.

9. The application stands dismissed accordingly.

**(M. JEYAPPAUL)
JUDGE**

August 5, 2016
Gulati

**(SNEH PRASHAR)
JUDGE**

Whether Speaking/Reasoned	Yes
Whether Reportable	No