

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

**CRM-M-29169-2016
Date of decision: 24.09.2016**

Smt. Ramkala

.....Petitioner

Versus

Om Parkash

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anil Kumar Gahlawat, Advocate,
for the petitioner.

Ritu Bahri, J.

Prayer in this petition is for quashing of the order dated 12.05.2016 passed by the Additional Sessions Judge, Narnaul, dismissing the revision filed by the petitioner against the order dated 20.08.2015 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Narnaul, whereby protest petition of the petitioner has been dismissed.

Case of complainant-petitioner is that on 05.09.2013, at around 05:30/06:00 P.M., when she was present in her fields, Om Parkash-respondent came there and caught hold of her hands. Thereafter, he committed obscene acts. She raised an alarm, which attracted her son, who rushed to the spot. On seeing the son of the complainant, the respondent ran away from the spot. While leaving the spot, he threatened the complainant that in case, she disclosed it to anybody, he would kill her. However, the complainant reported the matter to the police, on the basis of which, FIR

against the accused-respondent.

On completion of investigation, a cancellation report was presented before the Court. The complainant-petitioner also filed a protest petition, which was dismissed by the Judicial Magistrate Ist Class, Narnaul, vide his order dated 20.08.2015 (Annexure P-1). Revision against the said order was also dismissed by the Sessions Judge, Narnaul vide order dated 12.05.2016 (Annexure P-2).

Both the Courts below have dismissed the protest petition of complainant-petitioner primarily on the ground that during investigation conducted by EASI Amardeep, it was found that Sandeep, son of the complainant, had installed fountain pipes in front of the house of Om Parkash for irrigating his fields of *guwar* and one of the fountain might have sprinkled water on the ailing buffalo of Om Parkash-respondent. Due to this reason, an altercation had taken place between the wives of Om Parkash and Sandeep. Upon this, wife of Om Parkash called him telephonically. After coming to his house, Om Parkash turned off the band of fountain. Upon this, again an altercation had taken place. This was the main reason for lodging the present FIR. The allegation levelled by the petitioner were found to be false and accordingly, the cancellation report was accepted. Both the Courts have come to the conclusion that merely on the basis of statements of two witnesses i.e. Ramkala-complainant (petitioner herein) and her son-Sandeep, who are interested witnesses, the allegation of outraging the modesty could not be sustained. There was a background of altercations between both the families. Investigation conducted by EASI Amardeep, which was further verified by DSP Jaipal, was correct.

A perusal of the impugned orders shows that the present FIR is

the outcome of an altercation, which had taken place between the families of the complainant-petitioner and the respondents. During investigation conducted by the police, it was found that Sandeep, son of the complainant, had installed fountain pipe in front of the house of Om Parkash in order to irrigate his fields. That pipe was sprinkling water on the buffalo of Om Parkash. Due to this reason, a quarrel took place between the wives of Sandeep and Om Parkash. During investigation, the allegation of outraging the modesty of complainant-petitioner was found to be false. The petitioner could not examine any independent witness to prove her allegations.

In these circumstances, this Court is of the view that the protest petition filed by the petitioner has been rightly dismissed vide impugned orders. No illegality, much less perversity, has been found in the findings recorded by both the Courts below.

Resultantly, the present petition is dismissed.

24.09.2016
ajp

(RITU BAHRI)
JUDGE

speaking/non-speaking : Yes/No
Reportable : Yes/No