

CRM-M No. 35581 of 2016

::1::

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

CRM-M No. 35581 of 2016
Date of decision : October 04, 2016

Jaswinder Singh and others,

..... Petitioners

v.

Sat Pal Singh,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Satpreet Grewal Kapila, Advocate
for the petitioners.

Ajay Tewari, J (Oral)

This petition has been filed for quashing of the complaint filed by the complainant/respondent against the petitioners as well as the summoning order.

As per the complaint, there was a dispute between the petitioners and the complainant and on the fateful day, the petitioners along with others attacked the complainant, used caste words against him and caused injuries to him.

Counsel for the petitioners has argued that as a matter of fact on that date, it was the complainant who had attacked the son of petitioner No.1 and had caused injuries to him and in this connection,

case-FIR No.151 dated 21.9.2014 is pending against the complainant. It has been further argued that in the entire complaint, the complainant has not explained the injuries caused to him.

I asked counsel for the petitioners about the injuries caused to the complainant. She stated that when the complainant moved the police to lodge the cross case, the police on medical opinion came to the conclusion that the injuries suffered by the complainant could be self suffered and, therefore, had come to a finding that the case set up by the complainant was a false case.

In my opinion, the mere fact that the police came to any such conclusion cannot be held to be determinative and at this stage it would not be possible for this Court to go into the disputed questions of fact. As regards the allegation that the complainant has not disclosed about the injuries caused to him can also not be taken to be an irrefutable proof of the fact that whatever said in the complaint is false. In the circumstances, this petition is dismissed.

(AJAY TEWARI)
JUDGE

October 04, 2016
`kk'

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No