

**Criminal Misc.No.M-35507 of 2014 (O&M)**

**Date of decision: 25<sup>th</sup> February, 2016**

Hakiman

...Petitioner

Versus

Sukhbir Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Sandeep Gupta, Advocate,  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana,  
for the respondent(s)-State.

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**INDERJIT SINGH, J.**

Petitioner has preferred the instant petition under Section 397/401 read with Section 482 Cr.P.C. against respondents Sukhbir Singh, Amar Singh and Suresh Kumar for setting aside the order dated 18.07.2014, passed by the Sub Divisional Judicial Magistrate, Hathin, whereby the complaint No.268 of 2010, titled as Hakiman versus Sukhbir Singh and others, under Sections 307, 395, 397, 452, 217, 221, 120-B IPC was dismissed.

Notice of motion was issued. Only learned counsel for respondent-State appeared and contested the instant petition.

Brief facts of the case are that the FIR No.71 dated 15.02.2010, under Sections 148, 149, 323, 506 IPC and Section 25 of the Arms Act, was got registered by Aizaz Ahamd alias Mulla, which is stated to have been recommended for cancellation. On the similar facts, the said complaint was filed by the petitioner-complainant Hakiman (herein referred as 'the complainant'), wife of Aizaz Ahamd against respondents Sukhbir Singh, Amar Singh and Suresh Kumar.

It is stated in the said complaint that on 27.01.2010, when she alongwith her family was sleeping in her home, at 10:15 p.m., 6-7 persons came to her house and knocked the door. When she opened the door, the said persons attacked upon her neck and snatched gold ornaments i.e. 'hasli' weighing 30 grams and kundal weighing 10 grams, from her. When she resisted then one of them fired at her neck and forehead. After hearing the commotion, Aizaz Ahmad alias Mulla, husband of the complainant also got up and he watched the whole incident. On the basis of said incident, the FIR No.71 dated 15.02.2010 was got registered under Sections 148, 149, 323, 506 IPC and Section 25 of the Arms Act, 1959. It is further stated in the complaint that the complainant came to know that accused-respondent Nos.1 and 2 in collusion with accused-respondent No.3, against whom no action was taken by the police in the aforesaid FIR, have filed a false FIR No.312 dated 10.09.2010, against her husband and four other innocent persons. It is also stated that accused Nos.1 and 2 in collusion with accused No.3 after overlooking the circumstances and evidence, with concealed facts, have registered a false FIR and thus, they have committed an offence. Hence, the complainant filed the complaint.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Perusal of the averments in the instant petition shows that the respondents have no concern with the occurrence which occurred on 27.01.2010 in which some persons came to the house of complainant. Only allegation in the complaint against the accused

persons is that the police has not taken any action on the complaint filed by her. The other grievance of the complainant is that the police has registered another FIR No.312 dated 10.09.2010 against the husband of the complainant and four other persons. There is no evidence on the record to show that the aforesaid FIR got registered by private complainant against the husband of complainant and four other persons is false one nor there is any evidence that it has been found false after the investigation. Rather the case relating to the aforesaid FIR (FIR No.312 dated 10.09.2010) was also fixed for today alongwith this case and that petition for quashing the FIR No.312 dated 10.09.2010 has already been dismissed by this Court on merit. Perusal of the complaint itself shows that no ground is made out to proceed against the respondents-accused. Therefore, the order dated 18.07.2014, passed by the Sub Divisional Judicial Magistrate, Hathin, is correct as per evidence and law and it does not require any interference by this Court. As such, no ground to set aside the impugned order, is made out.

Therefore, finding no merit in the instant petition, the same is dismissed.

**25<sup>th</sup> February, 2016**  
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**(INDERJIT SINGH)**  
**JUDGE**