

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

CRM M-37348 of 2014

Date of decision : 27.01.2016

Sukhdev Singh & ors.

....Petitioners

V/s

Nirmal Singh & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.D. Sharma, Advocate for the petitioners.

Mr. Munish Bhardwaj, Advocate
for the respondent no. 1.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

This is a petition under section 482 Cr.P.C. seeking quashing of complaint no. 31440 dated 08.01.2010 titled as Nirmal Singh vs. Sukhdev Singh & ors. in which petitioners have been summoned to face trial under sections 452, 323, 506, 427, 148 & 149 IPC vide order dated 20.01.2014 passed by Judicial Magistrate Ist Class, Jalandhar.

Learned counsel for the petitioners has assailed the order on the ground that no offence is made out against the petitioners. A false story has been concocted by the complainant. Judicial Magistrate Ist Class, Jalandhar summoned the petitioners without proper appreciation of facts. In fact complaint in question was a counter-blast to the FIR, Annexure P-5 registered against the complainant by petitioner no. 8. Besides, ingredients of offence under sections 452 IPC are not made out.

Plea has been opposed by learned counsel for respondent no. 1. According to him, petitioners have been rightly summoned by the trial court.

I have heard learned counsel for the parties.

A complaint was lodged by complainant Nirmal Singh alleging that there was a taur in village Kala Bahian in the name of complainant. On 04.09.2009 at about 3.30 p.m. petitioners alongwith other accused demolished the boundary wall of the said taur in order to take forcible possession of the same. When complainant and his son resisted, they were caused injuries by the petitioners alongwith other accused. His son Tarlochan Singh sustained serious injuries in the occurrence and was admitted in Civil Hospital, Kartarpur. Matter was reported to the police but of no avail. Resultantly, instant complaint has been filed by the complainant. Stand of the petitioners is that they have been summoned to face trial without application of mind. Admittedly, trial is making some headway. Issues raised before this court are purely factual in nature. Findings of same can be given only after appraisal of evidence. Plea that ingredients of offence under section 452 IPC are not made out is also mis-conceived. Complainant examined four witnesses including himself in support of his allegations. After appreciating the preliminary evidence, trial court decided to summon some of the persons named by the complainant as accused. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

January 27, 2016

Ajay

(RAJAN GUPTA)
JUDGE