

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

**Criminal Misc. No.M-8250 of 2016
Date of Decision: 07.04.2016**

Navneet & another

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

Criminal Misc. No.M-9219 of 2016

Ayush Garg

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. S.K. Jain, Advocate
for the petitioner(s).

HARI PAL VERMA, J.

This order shall dispose of two petitions i.e. CRM-M-8250-2016 and CRM-M-9219-2016, as both these petitions have arisen out of common orders passed by the Courts below and

similar facts are involved in these petitions. However, for brevity, facts have been noticed from CRM-M-8250-2016.

Prayer in this petition is for quashing of chargesheet dated 12.1.2015 (Annexure P-1) framed by learned Additional Chief Judicial Magistrate, Yamuna Nagar in FIR NO.416 dated 6.7.2014 (Annexure P-3) under Sections 323, 325, 506, 34 IPC registered at Police Station Jagadhari City, District Yamuna Nagar as well as order dated 18.1.2016 (Annexure P-2) passed by learned Additional Sessions Judge, Yamuna Nagar, Jagadhri, whereby the criminal revision petition against framing of charge has been dismissed.

Briefly stated, the instant case/FIR was registered on the complaint of Ritu Garg wife of Parveen Garg, wherein it has been alleged that on 2.7.2014 at about 9-00 p.m., she along with her husband was taking a walk within the four walls of their house. The houses of her brothers-in-law namely Virender (Jeth) and Navneet (Devar) are also situated within the four walls. It has been alleged that due to pending litigation between the parties, Navneet, Bindya and Ayush assaulted her. Bindya throttled her neck and pushed her on the ground and gave kick and fist blows and tore her clothes. When the husband of the complainant intervened, Navneet, and her son Ayush came and gave slaps to her while Navneet kept on instigating her son to kill her. After registration of case, the police completed the investigation and presented challan against petitioners Navneet, Bindya and Ayush

for commission of offences punishable under Sections 323, 325, 506, 34 IPC as provided under Section 173 CrPC.

Accordingly, learned Additional Chief Judicial Magistrate, Yamuna Nagar framed charges against the petitioners-accused vide order dated 12.1.2015.

The said order dated 12.1.2015 was made subject matter of challenge before the revisionary Court, however, the said criminal revision petition was dismissed by learned Additional Sessions Judge, Yamuna Nagar vide order dated 18.1.2016.

It is in the aforesaid circumstances, the petitioners have filed two separate petitions challenging the chargesheet dated 12.1.2015 as well as order dated 18.1.2016 whereby revision petition against framing of charge has been dismissed.

Learned counsel for the petitioners has argued that learned trial Court has failed to appreciate the fact that the petitioners are peace loving persons and command respect in the society. They were never involved in any criminal case. They have been implicated falsely due to personal enmity of respondent no.2 and her family members. Many civil cases are pending between the parties and the present FIR has been lodged in order to pressurize and blackmail the petitioners in respect of civil litigation pending at Civil Courts of Yamuna Nagar at Jagadhri. It has been further argued that the FIR in question was lodged after four days, as the alleged occurrence had taken place

on 2.7.2014 at 9 a.m. in front of the house of the complainant whereas the FIR was registered on 6.7.2014. The complainant is abusing the very process of the Court, so as to take the benefit in civil suit filed by the husband of the complainant namely Parveen Garg against petitioner no.1 and others, who are real brothers and thus, the complaint was lodged with *mala fide* intentions. The same is liable to be quashed. It has been averred that after the alleged occurrence, the complainant has got herself examined on 2.7.2014 from a private CT Scan Centre and obtained a report *qua* the alleged injury no.1, which is stated to be "left parietal soft tissue swelling subarachnoid bleed". Thereafter, the MLR and CT Scan report was referred for the opinion of the Board of Directors and on 24.7.2014, the complainant was examined at General Hospital, Panchkula by Dr. Rajiv Kapoor and Dr. Sunil Gambhir who had opined that the injured in the CT Scan report appears to have been resolved. Meaning thereby, that there was no injury on the person of the complainant, on the basis of which, offence under Section 325 CrPC was added by the police, as opined by Board of Directors in their report dated 24.7.2014. Thus, the complainant has falsely implicated the petitioners.

I have heard learned counsel for the petitioners.

Complainant - Ritu Garg has specifically named the petitioners-accused, as assailants, who have caused injuries to her. As per the chargesheet, Board was constituted for

examination and obtaining opinion regarding the injuries mentioned in the medico-legal report of the complainant, as per which, the injury on the head, as reported in CT Scan, was found grievous. Therefore, taking into consideration the injuries so caused and the law that at the time of framing of charge, the Court need not to hold full fledged inquiry into the allegations, as even grave suspicion can form the basis of charge. As far as authenticity and sanctity of the medico-legal report and the opinion of the Board of Directors are concerned, the same are matter of trial.

Therefore, no interference is warranted in framing of charge as well as order dated 18.1.2016 passed by the revisionary Court.

Accordingly, both the petitions are dismissed.

However, it is made clear that the observations made here-in-above or by the revisionary Court shall not be construed as any expression on the merits of the case and the trial Court shall decide the case on the basis of available material before it.

April 07, 2016
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(HARI PAL VERMA)
JUDGE