

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

**CRM No.M-20599 of 2016 (O&M)
Date of Decision: December 05, 2017**

Kela Devi

...Petitioner

VERSUS

Ram Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sahil Koul, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Ram Kumar and other respondents for quashing the impugned order dated 11.12.2013 passed by learned Judicial Magistrate Ist Class, Panipat, vide which the complaint filed by the petitioner was dismissed and also for quashing the judgment dated 14.03.2016 passed by learned Sessions Judge, Panipat, vide which the revision petition filed by the petitioner was also dismissed.

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

From the record, I find that in the present case, Kela Devi complainant filed a complaint against Ram Kumar and nine other accused under Sections 342, 343, 323, 364-A and 34 IPC. As per version of the

away her son Tejpal from the house for Satsang at Delhi but Tejpal did not return back afterwards. The complainant got registered a DDR No.4 on 07.12.2002 regarding missing of her son. After some days, Vijen and Parmanand told her that Chaman and Balwan took her son and they met them at the Satsang on 21.11.2002. It is further stated that complainant had dispute over a plot with accused. They have also cast the votes against Sarpanch Liyakat Ali. The FIR was got registered but no action was taken by the police.

On the basis of preliminary evidence, learned JMIC, Panipat, vide impugned order dated 11.12.2013, dismissed the complaint. Learned Magistrate discussed the fact that FIR has been got registered after delay of about two years. The occurrence is of 21.11.2002 and the FIR was got lodged on 03.04.2004. The Court also held that present complaint has been filed on 26.09.2011 i.e. after considerable delay of nine years. It is further held by learned Magistrate that there is no independent corroboration by any witness. Rather, father and brother of the Tejpal came forward to support and verify the factum of pending litigation and remaining version of the complainant. A revision was filed, which was also dismissed by learned Sessions Judge, Panipat, vide impugned judgment dated 14.03.2016.

I have gone through the order and judgment passed by the Courts below and the same are correct and as per law. There is no cogent evidence on record regarding death of Tejpal nor his dead body has been recovered. There is no extra judicial confession from any person. Nobody has seen the murder. Rather, earlier, report of missing of Tejpal has been got recorded. Even if it is taken that accused Balwan and Chaman (since deceased) have gone along with Tejpal to a Satsang at Delhi, even then, it

will not amount to last seen evidence. Nobody has seen them with Tejpal after the Satsang anywhere else. There is no cogent evidence on the record, therefore, no ground is made out for summoning the accused. The motive in the present case is also weak. It is a case of circumstantial evidence and in the case of circumstantial evidence, the chain of circumstances should point towards the guilt of the accused and none else but in the present case, there is no sufficient evidence to summon the accused.

In view of the above discussion, I find that the impugned order and judgment passed by the Courts below, are correct, as per evidence and law and do not require any interference from this Court.

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

December 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No