

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

CRM-M-23295-2017

Date of decision-06.07.2017

Gurmail Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.R.K.Agnihotri, Advocate for the petitioner(s).

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for seeking permission to file a complaint/cross version against respondent Nos.2 and 3 under Section 156(3) Cr.P.C. for offences under Sections 452, 323 and 506 read with Section 34 of Indian Penal Code and under Section 25 of Arms Act before the learned Illaqa Magistrate at Ambala on the basis of the DDR No.24(A) dated 06.07.2015 recorded in Police Station Sadar Jagadhari, District Yamuna Nagar in view of the fact that the FIR (Annexure P-1) registered by respondent No.2 against the petitioners has been transferred from Yamuna Nagar to Ambala by this Court vide order dated 06.09.2016 (Annexure P-4).

Learned counsel for the petitioners contends that in fact the role of respondent Nos.2 and 3 is also made out in the occurrence. He further contends that since the trial of the main FIR (Annexure P-1) has been transferred by this Court vide order dated 06.09.2016 (Annexure P-4), petitioners be also permitted to file cross complaint in the Courts at Ambala.

I have heard learned counsel for the petitioners and have gone through the case file.

It is to be noticed that earlier also the petitioners approached this Court by way of filing CRM-M-9486-2017 with the same prayer as has been made in the instant petition. CRM-M-9486-2017 was disposed of by this Court by observing as under:-

“In the circumstances, without expressing any opinion on the merits of the case, respondent No.2-Superintendent of Police, District Yamuna Nagar is directed to decide the complaint/representation dated 22.07.2016 (Annexure P-5), by passing a speaking order within a period of three weeks from the receipt of certified copy of the order.

Disposed of.”

In pursuance to the order passed by this Court, Superintendent of Police, Yamunanagar has passed a speaking order dated 15.05.2017 (Annexure P-8). The relevant part of the order is reproduced as under:-

“That keeping in view of the inquiry report made by the DSP, Yamunanagar-1, the whole record of this case along with the complaint dated 31.03.2017, complaint dated 22.07.2016, statement of Jaswinder Singh, Gagandeep Singh @ Monu, Gurmail Singh, Darshan Singh, Jaspal Singh, Jagmal Singh and Manveer Singh, DDR/GD No.24(A) dated 06.07.2015 and case FIR No.75 dated 10.06.2015 registered under Section 148/149/341/323/324/427/325/379/356/506 IPC and Arms Act was considered and found that the report submitted by the DSP, Yamunanagar-1 dated 09.05.2017 is justified because in the initial case of family settlement or land partition, the order of Tehsildar was in favour of respondent Jaswinder Singh in which the possession of land was to be handed over in favour of Jaswinder Singh on 10.06.2015 and in these circumstances the allegations

of raising dispute, attacking the complainant side and trespassing the house of complainant equipped with revolver against the respondents Darshan Singh etc is not reliable. Moreover, there is no such medical or any other report in favour of the complainant that they faced any loss or injury in this case. On the other hand, the facts of case FIR 75 dated 10.06.2015 registered under Section 148/149/341/323/324/427/325/379/356/506 IPC and Arms Act is a matter of record and seems to be based on the true facts and hence no case of cross version is made out. Therefore, I agree with the report dated 09.05.2017 filed by the DSP, Yamunanagar-1. The complaint dated 22.07.2016 and present application dated 29.03.2017 received on 30.03.2017 be filed and all concerned be intimated accordingly.”

In view of the above, the present petition does not survive and the same is hereby dismissed.

(JITENDRA CHAUHAN)
JUDGE

July 06, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No