

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

124

**CRM-M-34443 of 2017
DATE OF DECISION:15.09.2017**

USHA

... Petitioner(s)

Versus

STATE OF HARYANA AND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Brar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 20.07.2016 (Annexure P-8), whereby his application under Section 319 Cr.P.C for summoning the respondents as accused, has been dismissed as well as order of Additional District Judge dated 17.04.2017 (Annexure P-9), whereby his revision petition preferred thereagainst was also dismissed.

Learned counsel for the petitioner contends that the petitioner had duly named the respondents No. 2 & 3 in the FIR and they should have been summoned to face trial.

Heard.

The petitioner had lodged an FIR No.700 dated 23.10.2012 against the accused under Section 323/325/34 IPC, wherein seven persons were named as accused including the respondents. The police after investigation had filed the challan

against the two accused while the others were placed in column No.2. The petitioner has alleged that she, her husband and father-in-law had been caused several injuries by all the accused. However, MLR has been conducted only with regard to the injuries on the person of the complainant, which reveals that she had suffered two injuries. No MLR was conducted as far as the injuries to her husband and father-in-law were concerned. The police after investigation filed the challan against the two accused.

It is well-settled that the power under Section 319 Cr.P.C. has to be used with extreme care and caution. In the absence of any other material besides the statement of the complainant, the summoning of the respondents would not be justifiable. It is not such a case that the petitioner and others have received multiple injuries which could not have been possible by just two accused.

Consequently, I do not find any merit in the instant petition, which stands dismissed.

15.09.2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No