

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

**CRM No. M-36717 OF 2017 (O&M)
DECIDED ON : 14.07.2017**

Vineet Goel

...Petitioner

versus

Rushmi Mittal and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. D. S. Matya, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of impugned orders dated 02.12.2013 (Annexure P-1) whereby his complaint has been dismissed by the trial Court, as well as order dated 07.06.2016 (Annexure P-2) passed by Additional Sessions Judge, Gurgaon, whereby his revision petition there against, has also been dismissed.

It was stated in the complaint that the petitioner had purchased a house in January, 1987 and paid the entire amount from his own funds and took possession of the same in the year 1991-92. Due to love and affection, he had included the name of his ex-wife Rushmi Mittal (respondent No.1) in the sale deed. In the month of August, 2008, his ex-wife is stated to have

prepared forged and false documents and on the basis thereof, obtained a decree of divorce on 14.06.2010. On 29.03.2013 at about 12.30 PM, his ex-wife Rushmi Mittal (respondent No.1) and their son Harsh Goyal-respondent No.2, along with others, are stated to have trespassed into said house to take possession thereof. The petitioner was threatened and physically assaulted even though it was in the knowledge of respondents that the petitioner had been operated twice earlier in the lower back.

Learned counsel further contends that the trial Court as well as the revisional Court have erroneously dismissed the complaint, even though the offences under Sections 452/323/506/379/340/307/34 IPC were clearly made out inasmuch as the petitioner had suffered injuries and had duly placed on record the medico legal report from Paras Hospital, Gurgaon.

Heard.

The incident appears to be an offshoot of a matrimonial dispute between the petitioner and respondent No.1. The petitioner has himself admitted that respondent No.1 is co-owner of the house in question, although he has stated that the entire money for purchase of said house was provided by him and it was only due to love and affection that he had included the share of his wife in the house. Therefore, it has rightly been held by the courts below that no offence of trespass under Section 452 IPC is made out.

Insofar as contention of learned counsel for the petitioner that offence under Sections 323/506/ 379/340/307/34 IPC is made out is concerned, I am of the considered view that this argument is wholly unfounded. The petitioner was examined in a private hospital and the doctors, who had signed the medico legal report were not examined by him before the trial Court, in support of his complaint. The discharge summary has not been proved by examining the concerned official of the private hospital where the petitioner was examined. Even otherwise, the injuries which were found on the person of petitioner in the MLR, are soft tissue injuries in the back and right knee and are not that serious which would support the case of petitioner. The Courts below have rightly recorded that it is basically a civil dispute between the parties over the house in question which is being sought to be projected as a criminal case.

Learned counsel for the petitioner, at this stage contends that in the list of witnesses furnished by the petitioner before the trial court, names of the concerned doctors were mentioned. However, neither any such averment is there in the petition, nor any list has been appended thereto.

Consequently, I do not find any manifest illegality in the impugned orders dated 02.12.2013 (Annexure P-1) and 07.06.2016 (Annexure P-2) passed by the trial Court and the revisional Court respectively, which would warrant interference

by this Court while exercising jurisdiction under Section 482
Cr.P.C. The petition is accordingly dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

JULY 14, 2017

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| 1. Whether speaking/reasoned : | YES/NO |
| 2. Whether reportable : | YES/NO |