

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

CRM-M-38839-2016 (O&M)

Date of Decision: 14.07.2017

AJMER SINGH AND OTHERS

... Petitioners

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Partap Singh, Advocate
 for the petitioners.

Mr. R.K. Makkad, DAG, Haryana.

Mr. Anil Dhankhar, Advocate,
for Mr. Hemant Bassi, Advocate,
for respondents No. 5 to 12 and 14.

KULDIP SINGH, J (ORAL)

Heard.

It comes out that an FIR No. 312 dated 27.07.2016 under Sections 148, 149, 323, 452, 302, 506 IPC was registered at Police Station, Narnaud District Hisar against the present petitioners and 14 other persons. In the present petition, the claim of the petitioners is that some injuries were also caused to them in the same incident and a case under Sections 307 IPC is also made out as a cross case. Therefore, in view of the judgment of the Supreme Court of India i.e. Lalita Kumar Vs. Government of Uttar Pradesh, 2013 (4) RCR Criminal 979, a criminal case should be registered against the present respondents.

After hearing learned counsel for the parties, I am of the view that if an FIR regarding one incident has been registered, the cross version is to be enquired into in the same FIR and for the same, registering of separate

FIR is not required. However, the stand taken by the State is that according to the investigation, no incriminating evidence was found against the private respondents. Meaning thereby, the State is not willing to challan the private respondents by way of cross case on the complaint of the present petitioners.

In these circumstances, the proper remedy for the petitioners is to file a criminal complaint before the concerned Illaqa Magistrate and it is for the Illaqa Magistrate to pass an appropriate order after recording the evidence. The call details can always be obtained by citing the mobile phone company as witness and by summoning their records.

In view of the matter, the present petition is disposed of with liberty to the petitioners to approach the trial Court by way of filing of a criminal complaint under law with appropriate prayers.

July 14, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

<i>Whether speaking / reasoned</i>	:	✓ Yes / No ✓
<i>Whether Reportable</i>	:	Yes / No