

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

CRM No.M-39819 of 2017 (O&M)

Date of Decision: October 26, 2017

Dhumli @ Dhuma

...Petitioner

VERSUS

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.P.Sharma, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Krishan Kumar and other respondents, for quashing the impugned order dated 06.06.2016 passed by learned Addl. Chief Judicial Magistrate, Narnaul vide which the accused were discharged in criminal complaint No.50/2012 dated 19.05.2012 under Sections 323, 452, 506 and 34 IPC and also impugned judgment dated 04.08.2017 passed by learned Addl. Sessions, Narnaul, vide which the revision petition filed by the petitioner was dismissed.

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

From the record, I find that learned ACJM, Narnaul, vide order dated 06.06.2016, has not framed the charges and dismissed the complaint

and the accused were discharged. The complainant filed revision before the

Court of Session and learned Addl. Sessions Judge, Narnaul, vide judgment dated 04.08.2017, dismissed the revision petition.

From the perusal of the order and judgment passed by the Courts below, I find that these orders have been passed as per evidence and law. In no way, the findings can be held as perverse or against the evidence or law. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below. The perusal of the order and judgment shows that occurrence took place on 15.05.2012 at about 5-5.30 p.m. and it is alleged that Smt.Suwa Devi gave fist blow on the chin of grandson of complainant. She also gave fist blow on the eye and mouth of Pramod and also gave slap blow on his nose. Thereafter, Suwa Devi gave three stick blows on the waist of son of complainant's daughter.

The perusal of the record shows that the petitioner side has been medico legally examined on 24.05.2012 i.e. even after five days of filing of the complaint and no reason has been given as to why injured have not been got medico legally examined immediately. Secondly, even the doctor has stated during cross-examination that there was no mark of external injury on the body of the injured. PW-3 Head Constable Anil Kumar was examined, who stated that the matter was investigated by the police under Section 202 Cr.P.c. and proved his report Ex.P1. During cross-examination, he admitted that allegations levelled by the complainant were found false by the police. Further, it is admitted by the PWs that there is dispute of plot between the complainant and accused Krishan Kumar.

PW-5 Rakesh injured has stated in his evidence that

complainant was not at home when altercation took place. She had gone to

tether cattle and returned at about 6.30 p.m. He also stated that he was never medico legally examined. He also admitted that complainant has dispute with Krishan Kumar and his wife over some plot.

The Courts below in the facts and circumstances of this case, found that no prima facie case is made out and dismissed the complaint and accused were discharged and the revision petition was also dismissed by learned Addl. Sessions Judge, Narnaul. The perusal of the findings given by learned Courts below show that these have been given by correctly appreciating the evidence in right perspective. In no way, the impugned order and judgment can be held as perverse or illegal or against the evidence.

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

October 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No