

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

**CRM-M No. 4176 of 2017(O&M)**

**Date of Decision: 09.02.2017**

Parveen @ Rinku and others

....Petitioners

VERSUS

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Shiv Kumar, Advocate for the petitioners.

**REKHA MITTAL, J.**

The present petition directs challenge against orders dated 06.05.2016 (Annexure P-2 and P-3) passed by the Judicial Magistrate Ist Class, Faridabad and dated 05.10.2016 (Annexure P-4) by the Additional Sessions Judge, Faridabad whereby the petitioners have been charged for committing offence punishable under Sections 341, 354-B, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and the revision petition filed before the Court of Sessions against the order passed by the Magistrate has been dismissed.

The sole submission made by counsel for the petitioners is that the Revisional Court dismissed the revision with the observations that the complainant has specifically used words in her complaint that 'her husband was caught by Parveen and when she made a try to rescue herself then all the four made attempt to use force (of to do something wrong)'. It is argued that in FIR No.165 dated 05.06.2014 registered at the instance of the complainant and so also the report submitted under Section 173 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), there is no

reference to presence of husband of the complainant or her husband being caught by Parveen and an effort by the complainant to rescue, which shows that order passed by the Revisional Court is the result of non-application of mind and liable to be set aside. In addition, it is argued that perusal of allegations brought-forth in the challan (report under Section 173 Cr.P.C.) does not make out a prima facie case for commission of offence under Section 354-B IPC.

I have heard counsel for the petitioners, perused the paper-book particularly the orders impugned and the report under Section 173 Cr.P.C. in vernacular.

No doubt, in the report under Section 173 Cr.P.C., there is no reference in regard to husband of the complainant being available at the spot or having been caught by Parveen, one of the persons arrayed as accused. Nevertheless, a relevant extract from the allegations with regard to occurrence dated 23.05.2014, translated in English, reads as follows:-

“On 23.05.2014 at about 7 PM, I was coming back to my house after purchasing household articles from Parth Colony. On the way, four persons namely Ram Babu, Parveen @ Rinku, Dharamvir, Megh Raj met her and they stopped me and started abusing (gali galoch karne lage). When I tried to escape Parveen @ Rinku caught hold of my hand. When I tried to free my hand all the four tried to do *jabardasti* with me and extended threat that your and your daughters’ life would be spoiled and would not be in a position to show your face and all the four gave me beatings (mere sath pitai kari).”

When the facts extracted hereinbefore are examined in the light of provisions of Section 339 and 354-B IPC, I do not find any error

much less illegality in framing charge for commission of offence punishable under Section 341 and 354-B IPC.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

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|---------------------------|---|-----------------------|
| <b>FEBRUARY 9, 2016</b>   |   | <b>(REKHA MITTAL)</b> |
| ‘D. Gulati’               |   | <b>JUDGE</b>          |
| Whether speaking/reasoned | : | yes/no                |
| Whether reportable        | : | yes/no                |