

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

CRM No.M-42934 of 2016 (O&M)

Date of Decision: March 28, 2017

Prem Kumari

...Petitioner

VERSUS

Parveen and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sumit Sangwan, Advocate,
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against Parveen and other respondents for setting aside the order dated 16.09.2015 passed by learned Judicial Magistrate Ist Class, Charkhi Dadri, Bhiwani, vide which the complaint filed by the petitioner under Sections 323, 324, 325, 341, 379, 504, 506 and 34 IPC was dismissed and also judgment dated 05.08.2016 passed by learned Sessions Judge, Bhiwani, vide which the revision petition filed by the petitioner was also dismissed.

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

From the record, I find that a complaint was filed by petitioner-complainant Prem Kumari against accused Parveen, Anil, Kavita, Rajal and Rulia under Sections 323, 324, 325, 341, 379, 504, 506 and 34 IPC. The

brief averments of the complaint as noted down in the order passed by

learned JMIC, Charkhi Dadri, are as under:-

“1. The brief facts of the present complaint are that complainant is resident of village Achina and she is working as Anganwari Worker. She stated that on 27.09.2014 at about 2/2:15 p.m when she was returning from Anganwari Office to her home and when she reached near house of Ram Niwas son of Shri Ram Sawrup, Caste Chamar, resident of village Achina, District Bhiwani, Parveen, Anil sons of Shri Rulia, Caste Chamar, resident of village Achina obstructed her passage and they started abusing her and they exhorted that they would take revenge upon her for moving an application against them and they attacked her with an iron rod. First of all, Parveen hit her with a Lathi on her shoulder and Anil caused injury on her thigh with an iron rod and he also gave one lathi blow on her left leg. Thereafter, Kavita wife of Parveen, Rajal mother of Parveen also came there. Kavita hit her with a Darati, a sharp edged weapon on her hands and legs, Rajal caused her injuries with kicks and blows on many parts of the body. Thereafter, Rulia son of Ram Sawrup and her son came there, Anita wife of Suraj Mal also came there, Anil caused her injury with kicks and blows and also caused her injuries with dandas. Thereafter, in order to save herself, she entered into the house of Ram Jivan son of Ram Bhagat, but even the accused kept on beating her mercilessly. Thereafter, Birmati wife of Ram Jivan, Saroj, Sarita daughters of Ram Jivan saved her from the clutches of assailants and they also gave her threat to kill her on next available opportunity. Thereafter, she went to G.H. Dadri, got her treatment there and she had also approached the Police of Police Post Achina Tal for making complaint and requesting them for taking legal action against the culprits. But the police was hand in gloves with the accused and did not take any action against them. She has therefore, requested for taking legal action against the culprits by summoning them to face trial for commission of offence punishable under Sections 323/324/325/341/379/504/506/34 OF IPC. Hence, the present complaint.”

The perusal of the record shows that in the preliminary evidence, complainant examined herself as CW-1, Saroj as CW-2 and Birmari as CW-3 and the evidence was closed by the Court vide its order dated 13.08.2015.

Learned JMIC, Charkhi Dadri, after appreciating the evidence,

dismissed the complaint and acquitted the accused. A revision was filed by

the petitioner and learned Sessions Judge, Bhiwani, dismissed the same vide impugned judgment dated 05.08.2016.

Aggrieved from the above said order and judgment, present petition has been filed.

I have gone through the impugned order and judgment passed by the Courts below, especially the order dated 16.09.2015 passed by learned JMIC, Charkhi Dadri. As per the allegations in the complaint, so many injuries have been caused by the accused as Parveen hit the complainant with a *lathi* on her shoulder, Anil caused injury on her thigh with an iron rod and he also gave one *lathi* blow on her left leg. Thereafter, Kavita wife of Parveen, Rajal mother of Parveen also came there. Kavita hit her with a *Darati*, a sharp edged weapon on her hands and legs, Rajal caused her injuries with kicks and blows on many parts of the body. Thereafter, Rulia son of Ram Sawrup and her son came there, Anita wife of Suraj Mal also came there, Anil caused her injury with kicks and blows and also caused her injuries with *dandas*.

Learned trial Court discussed the MLR. No injury has been found to be caused by sharp edged weapon. The Court held that so many injuries have been alleged by the complainant but as per the MLR, there are no corresponding injuries with the alleged weapons. There are two abrasions on the left foot and right hand and the injuries are not supported and corroborated by the MLR. Furthermore, learned Magistrate discussed the fact that qua same occurrence, an FIR has been registered against the complainant of this case and this fact has been concealed by the complainant, which means that genesis of the occurrence has been concealed.

Furthermore, complainant got recorded the DDR but the police on enquiry, found the case of the complainant as suspicious. Learned Magistrate further held that the witnesses are not reliable. The revision filed by the petitioner-complainant was also rightly dismissed by learned Sessions Judge, Bhiwani.

In view of the above discussion, I find that the findings have been given by both the Courts below by appreciating the evidence in right perspective. In no way, the findings can be held as illegal or against the evidence. The impugned order dated 16.09.2015 passed by learned JMIC, Charkhi Dadri and judgment dated 05.08.2016 passed by learned Sessions Judge, Bhiwani, are correct, as per evidence and law and do not require any interference from this Court.

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

March 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No