

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-44577 of 2017

Date of decision:4.12.2017

Amit

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vivek Khatri, Advocate for the petitioner.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for seeking quashing of impugned order dated 18.3.2017 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Jhajjar, whereby the learned trial Court has not charge-sheeted respondents No.2 to 4 under Section 307 IPC, keeping in view the facts and circumstances of the present case as well as the impugned judgment dated 28.10.2017 (Annexure-P.3) passed by learned Additional Sessions Judge, Jhajjar, whereby the revision petition filed by the petitioner has been declined, in illegal and arbitrary manner.

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

From the record, I find that the orders passed by the Courts below are correct as per evidence and law and no illegality has been committed by the Courts below, while not framing the charge under Section 307 IPC.

At the time of arguments, it has been admitted by the learned counsel for the petitioner that no injury has been declared dangerous to life. No fire arm weapon has been used in the occurrence. No sharp edged weapon has been used in the occurrence.

The learned Judicial Magistrate Ist Class, Jhajjar vide order dated 18.2.2017 framed charges for the offences under Sections 323, 325, 427, 341, 506 read with Section 34 IPC. Nothing has been shown at the time of arguments as to how the offence under Section 307 IPC is made out. Even I have gone through the FIR. In the FIR also, no where it has been alleged that the injuries have been given with intention to kill. As per the FIR, the accused hit the injured with his vehicle and ran over the right leg and he again reversed the vehicle and passed over his right leg but as per record there is no crush injury in the present case. Earlier the DDR was registered and later on FIR was registered for the offences under Sections 323, 341 and 506 read with Section 34 IPC. Later on the offence under Section 325 IPC has been added.

A perusal of the order passed by the learned trial Court and the order passed by the learned Additional Sessions Judge in revision petition shows that these are correct as per evidence and law. No *prima facie* case under Section 307 IPC is made out at this stage.

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

December 4, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No