

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

**CRR No.1823 of 2015 (O&M)  
Date of Decision: July 10, 2017**

Krishan Kumar

...Petitioner

**VERSUS**

Parveen Kumar

...Respondent

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

Present: Mr.Sandeep Punchhi, Advocate  
for the petitioner.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Krishan Kumar against respondent Parveen Kumar, challenging the impugned judgment dated 04.02.2012 passed by learned Judicial Magistrate Ist Class, Abohar, vide which accused-respondent was acquitted and also challenging the judgment dated 26.08.2014 passed by learned Addl. Sessions Judge, Fazilka, vide which appeal filed by petitioner was also dismissed.

From the record, I find that a complaint was filed by Krishan Kumar against Parveen Kumar and other accused under Sections 323, 342, 382, 452, 427, 504, 506, 511, 148 and 149 IPC . The brief averments of the complaint as noted down in the judgment passed by learned JMIC, Abohar, are as under:-

*“The present complaint has been filed by the complainant against the accused on the allegations that he and accused are relatives. Accused No.1 to 3 Parveen Kumar, Navin Kumar and Pankaj Kumar are real brothers and sons of accused No.4*

*Mohinder Kumar and accused No.5 & 6 Anup Kumar and Hari Krishan are sons of brother-in-law of accused No.4 Mohinder Kumar. Accused No.1 to 4 are living in the house adjoining to the house of complainant and a dispute qua partition of property is pending between complainant and accused No.1 to 4. On 18.01.2004 at 1:30 P.M. complainant was sitting inside his house and at that time Gulzari Lal son of Shri Ram and Kishori Lal sons of Ganga Ram were with complainant. In the meantime accused Parveen Kumar, Navin Kumar, Pankaj Kumar, Mohinder Kumar, Anup Kumar and Hari Krishan forcibly entered house of complainant and while entering accused No.1 Parveen Kumar started hurling abuses and insulted the complainant and on hearing alarm brother of complainant namely Jatinder Kumar came down. Parveen Kumar and Navin Kumar asked to reach them lesson for partition of property and house and to take possession from them. After that accused hurled abuses to complainant and his brother Jatinder Kumar and insulted them. Accused Parveen Kumar armed with iron rod gave blow of same to complainant which hit on back of head of complainant. Accused Navin Kumar gave kick blow below chest of complainant, due to which complainant fell down and while he was lying down accused Pankaj Kumar who was armed with soti gave blow of soti which hit on right side below back. During that time accused Mohinder Kumar and Anup Kumar and Hari Krishan gave slaps on the face of his brother Jatinder Kumar and Mohinder Kumar and Anup Kumar gave fist blows on the back of his brother. After giving them beatings, accused Parveen Kumar snatched gold chain from the neck of the complainant valuing Rs.10000/-. Accused Navin Kumar snatched gold chain from the neck of brother of complainant valuing Rs.9000/-. Accused Pankaj Kumar and Mohinder Kumar pulled out purse from the pocket of brother of complainant in which Rs.2500/- were lying. Accused Anup Kumar broke their television by giving kick blows and caused damage of Rs.1000/-. Accused Parveen Kumar and Navin Kumar gave kick blow on the fridge lying in court yard, due to which the same fell down and complainant suffered loss of Rs.2500/-. Gulzari Lal and Kishore Lal intervened to rescue the complainant and his brother. In the meantime, Savitri Devi wife of Mohinder Kumar came at the spot and fell down near the stair. After taking care of her, all the accused then caught hold of Jatinder Kumar brother of complainant and took him to the room of complainant forcibly and bolted the door from outside. Accused Mohinder Kumar said that he, Anup Kumar and Hari Krishan will confine complainant and Jatinder and they may get themselves and their mother admitted by causing injuries and to get registered false case against them. Accused threatened that if they did anything they would eliminate them. Accused No.1 to 3 Parveen Kumar, Navin Kumar and Pankaj Kumar alongwith their weapons by taking gold chains and*

*Rs.2500/- fled away from the spot. After that accused Anup Kumar asked accused Parveen Kumar to take away telephone set and he will take later on from them. Accused Parveen Kumar also took the telephone set. Accused Anup Kumar and Mohinder and Hari Krishan by keeping complainant and Jatinder Kumar in room were standing outside and would not allow them to come outside. Remaining accused went away. At the spot, Gulzari Lal and Kishore Lal made efforts to get complainant and his brother released from the illegal custody of accused and it took 40-45 minutes. Complainant was admitted in Civil Hospital, Abohar where accused Pankaj Kumar and Navin Kumar and their mother Savitri Devi were already admitted by causing fake injuries. If the witnesses present at the spot did not rescue the complainant and his brother Jatinder, the accused would have caused them more injuries. The matter was reported to the Police, but Police did not take any action and ultimately on 11.3.2004 refused to take any action against the accused. The cause of enmity is that complainant and his brother Jatinder Kumar have dispute of house and property with accused Mohinder Kumar and they were demanding their share, which the accused do not want to give them and hence this complaint.”*

Learned JMJC, Abohar, after appreciating the evidence, acquitted the accused-respondents as stated above. An appeal was filed by the petitioner and the same was also dismissed by learned Addl. Sessions Judge, Fazilka, vide judgment dated 26.08.2014.

Aggrieved from the above-said judgments, present revision petition has been filed.

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

From the record, I find that both the Courts below have given concurrent findings of fact. 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.

Further, I find that it is a cross-version of case FIR No.17 dated

22.01.2004 under Sections 325, 323 and 34 IPC registered at Police Station City Abohar. The Court after going through the evidence on record, found that the complainant Krishan Kumar had suffered injuries which are proved by Dr.Ramesh Kumar Arora. This witness Dr.Ramesh Kumar Arora has admitted in the cross-examination that on the same day, he had examined Pankaj, Navin and Savitri Devi. The MLR qua Pankaj has been proved as Ex.D1, MLR qua Navin Ex.D2 and MLR qua Savitri Devi Ex.D3. There are allegations and counter allegations that accused Parveen Kumar and others were the aggressor and they had caused injuries to complainant Krishan Kumar.

The Court further held that statement of CW-2 Gulzari Lal is also contradictory as to how injuries on the person of Savitri Devi came into being. The presence of Gulzari Lal is also doubtful as he did not suffer any injury. It is also held by the Court below that there is no reference of Gulzari Lal in the statement given by complainant Krishan Kumar to the police, on the basis of which, report was entered. The bald allegation that these injured Pankaj, Navin and Savitri Devi had inflicted injuries on themselves and got admitted in the hospital is not sufficient.

From the record, I find that the complainant has not explained the injuries on the person of accused. The genesis of the occurrence has been concealed. It is a case of version and cross-version and true version has not been brought before the Court and the version has been concocted. Further, I find that there is delay of approximately two months in filing the complaint. The occurrence took place on 18.01.2004 and complaint has been filed on 12.03.2004. The certified copy of the challan in the FIR case

has been proved on record. There is no cogent evidence on the record to

show that accused were the aggressor party. A reasonable doubt exists in the complainant's case.

Keeping in view all these facts, I find that learned Courts below have rightly acquitted the accused. The findings have been given while appreciating the evidence in right perspective.

In view of the above discussion, I find that the impugned judgments passed by the Courts below are correct, as per evidence and law and do not require any interference from this Court.

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

**July 10, 2017**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**