

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

CRM-M-9145 of 2017 (O&M)

Date of Decision: 19.04.2017

Piara Singh and another

....Petitioners

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. B.R. Rana, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. for quashing of Complaint Case No.35497 dated 08.11.2013, titled as Madhu Sekhri vs. State of Punjab (Annexure P-1) and whereby the present petitioners have been summoned to face trial under Sections 323, 324, 325 and 506 of the Indian Penal Code.

2. Perusal of the impugned complaint dated 08.11.2013 at Annexure P-1, would reveal that the same was filed under Section 156 (3) Cr.P.C. against S.H.O. Ratanjit Singh, ASI Nirmal Singh, Havaladar Paramjit Singh and the present petitioners i.e. Head Constable Piara Singh and ASI Kulwinder Singh. Complainant had alleged that in front of her house, Sohan Singh, Satnam Singh, Ghola and his wife Gurmeet Kaur reside and they always abuse her in the absence of her husband. A complaint had been moved on 12.05.2013 against the afore mentioned persons at Police Station Daba, Shimlapuri, Ludhiana, Punjab. It was further alleged that on 13.05.2013, when the complainant as also her husband were called to the Police Station, ASI Nirmal Singh had slapped the complainant as also given fist blows in her stomach, even though, she was in the

ninth month of pregnancy. Upon the complainant's husband protesting such action, the present petitioners who were also present at the spot resorted to giving beatings to Naresh Sekhri i.e. husband of the complainant and even abused him by using caste derogatory remarks. Further allegation is that the complainant and her husband were also threatened that a false case would be foisted upon them.

3. It is such complaint dated 08.11.2013 that has led to the passing of the impugned summoning order dated 03.02.2017 (Annexure P-5).

4. Counsel appearing for the petitioners would vehemently contend that it is a case of false implication. The enquiry had been got conducted by the Deputy Commissioner of Police, wherein statements of the parties as also independent witnesses were recorded and a report dated 28.05.2013, had been furnished and in which, the allegations made by the complainant were found to be false. It is argued that against such backdrop, the summoning order has been passed in a routine and casual manner and without there being any basis. It is also the argument raised by the counsel that the impugned summoning order cannot sustain as the main accused namely ASI Nirmal Singh has already expired on 10.11.2014.

5. Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that no basis for interference is made out.

6. Perusal of the impugned order would reveal that there has been a due application of mind at hands of the judicial officer concerned. Preliminary evidence stands recorded and in which, the complainant herself appeared as CW-1 and got her deposition recorded on the lines of the complaint. Further more statement of Naresh Sekhri CW-3, was also recorded, reiterating the version set up by the complainant. Even Dr. Jasbir Kaur was examined as

CW-2. That apart prior to passing of the summoning order, a report under Section 202 Cr.P.C. from the Sub Divisional Magistrate was called for and which has weighed with the trial Court while passing the summoning order dated 03.02.2017. The impugned summoning order reflects due application of mind. It is by now well settled that at the stage of summoning the evidence is not to be sifted in a manner to record an opinion as regards the same being sufficient to record conviction. Even detailed reasons need not be recorded at the stage of summoning.

7. The trial Court upon due application of mind and based upon the preliminary evidence led as also the report submitted by the Sub Divisional Magistrate under Section 202 Cr.P.C. has passed the impugned summoning order.

8. No basis for interference is made out.

9. Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.04.2017

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