

CRR-1514-2017

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

CRR-1514-2017

Date of Decision: 28.04.2017

Abhishek

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Shokeen Singh Verma, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner-Abhishek has filed this revision against respondents-State of Haryana and Vijay Pal Acharya, Gurukul, Jhajjar, under Section 401 Cr.P.C. for quashing of order dated 13.02.2017 passed by learned Additional Sessions Judge, Jhajjar in FIR No.421 dated 14.05.2015, under Section 377 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'), registered at Police Station Jhajjar whereby application under Section 319 Cr.P.C., for summoning of respondent No.2-Vijay Pal Acharya, Gurukul, Jhajjar, as additional accused, was dismissed.

I have heard learned counsel for the petitioner and perused the record.

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From the record, I find that during the pendency of trial, an application under Section 319 Cr.P.C. was filed for summoning of respondent No.2 as additional accused. Perusal of the record shows that challan was presented against Chander Dev @ Chand Singh in FIR No.241 dated 13.05.2015, under Section 377 IPC and Section 6 of POCSO Act, registered at Police Station Jhajjar. The allegations against the main accused-Chander Dev are that he committed offence on the minor-complainant under Section 377 IPC. Perusal of the FIR shows that respondent No.2 has not been named in the FIR. At the time of arguments, it was specifically asked as to whether the name of respondent No.2 to whom the petitioner wanted to summon, has been mentioned in any of the statements recorded under Section 161 Cr.P.C., learned counsel for the petitioner stated that name of additional accused-Vijay Pal Acharya did not find mentioned as co-accused, nor he was investigated. Perusal of the record shows that name of Vijay Pal Acharya has come for the first time in the statement of complainant recorded before the court. Even no allegations are levelled in the FIR that neither respondent No.2 had taken action against the accused, nor he reported the matter to the police. From the record, I find that it does not appear to this Court that respondent No.2 to whom the complainant wants to summon as additional accused, is involved in the commission of offence or he should be tried alongwith main accused.

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From the above discussion, I find that the impugned order passed by the trial Court is correct, as per evidence and law. No illegality has been committed by the trial Court while passing the impugned order and the same is upheld.

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

28.04.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No