

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-27730-2017

Date of decision: 13.09.2018

Lachhman Singh

..... Petitioner

Versus

Kala Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sansar Kundu, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing order dated 10.01.2017 (Annexure P-2) of the Ist Appellate Court, affirming order dated 25.01.2013 (Annexure P-1) of the trial Court, whereby Criminal Complaint No. 467-1 of 2007/2011 under Sections 120-B, 299 and 304 read with Section 34 IPC, filed by the petitioner was dismissed.

Briefly, petitioner filed a complaint against the respondents under Sections 120-B, 299 and 304 read with Section 34 IPC, on the allegations that on 09.05.2006, respondents taking advantage of ill health of father of the petitioner, who had fallen ill around 15 days ago on 22.04.2016, blocked the public street being used by the petitioner for egress and ingress to his house. Resultantly, Dr. Ranjit Singh, treating his father could not visit his house. As a result thereof, father of the complainant died. In support of his allegations in the complaint, petitioner examined aforesaid Dr. Ranjit Singh as PW-1, himself as PW-2, mother Jamna Bai as PW-3,

Krishan Lal, Clerk, DC Office Sirsa as PW-6 and closed preliminary evidence.

After hearing learned counsel for the petitioner and going through the record, the trial Court vide order dated 25.01.2013 (Annexure P-1) dismissed his complaint.

Being dis-satisfied, the petitioner approached the Revisional Court, but remained un-successful as his revision too was dismissed vide order dated 10.01.2017 (Annexure P-2).

Learned counsel for the petitioner *inter alia* contends that both the Courts below have failed to appreciate that there was ample evidence on record that respondents with *mala fide* intention to kill his father had blocked the public street. Resultantly, his father could not get proper treatment and died. Both the Courts below without appreciating the above fact have illegally dismissed his complaint.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit, inasmuch, as the petitioner did not lead any evidence qua alleged *mala fide* intention of the respondents to kill his father by blocking the public street.

I have carefully gone through the impugned judgments of both the Courts below and find no illegality or perversity in the same.

Dismissed.

September 13, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No