

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

CRM-M-38256-2015 (O&M)

Date of decision: 24.5.2018

Lakhjinder Kaur Johal and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Aayush Gupta, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. S.S.Behl, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioner has prayed for quashing of complaint No.61 of 12.11.2014 (Annexure P-7) and consequential order dated 14.7.2015 (Annexure P-8).

The petitioners have been summoned for offences punishable under Sections 452, 323, 324, 427, 506 Indian Penal Code by learned Judicial Magistrate, 1st Class, Ludhiana in the aforesaid complaint case vide order dated 14.7.2015 (P-8). A bare perusal of the record transpires that there is no evidence if anybody had suffered hurt and even there is no medical evidence to substantiate if anybody has suffered simple hurt by way of blunt or sharp edged weapon.

It seems that learned trial Magistrate failed to apply its judicial mind and passed the order in routine manner. This order is not sustainable and is set aside. However, learned trial Magistrate is directed to reconsider the matter after hearing the parties and pass a fresh order in accordance with law.

Parties are directed to appear before the learned trial Magistrate on 2.7.2018.

Disposed of.

(RAJ SHEKHAR ATTRI)
JUDGE

May 24, 2018
Paritosh Kumar

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