

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

CRM-M-41613-2018 (O&M)

Date of decision:- 20.9.2018.

Vikas

.....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: - HON'BLE MR. JUSTICE KULDIP SINGH.

Present: - Mr. Abhimanyu Singh, Advocate for the petitioner.

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 11.1.2017 passed in case No. COMI No. 1808-2013 by Judicial Magistrate Ist Class at Bhiwani vide which complaint (Annexure P-1) filed by petitioner against the respondents was dismissed at the stage of framing of charge. Petitioner also seeks quashing of the order dated 7.7.2018 (Annexure P-5) passed in case CRR-25 of 2017 by learned Additional Sessions Judge, Bhiwani vide which revision preferred by the petitioner was dismissed.

The grievance of the petitioner is that he has taken the admission in Balaji College of Engineering for diploma in Electronics. Respondents are the functionaries of the said college. It is stated that on the date of occurrence, when he had gone to the college for taking slip of his tuition fee, he was beaten up by respondents. He was threatened not to enter the college. Thereafter, he was not allowed to appear in the Sixth semester examination.

Learned trial Court after recording the pre charge evidence found that petitioner had failed in the first, second and third semesters. He was absent in fourth semesters and he did not appear in the fifth and sixth semesters. The petitioner also admitted that he usually remained absent from the college.

Learned trial Court also examined the evidence of the doctor, according to which injuries No. 1 and 3 were shown as complaint of pain and doctor did not tell the duration of the injuries No. 1 and 3. There are two bruises on the side of neck and eyebrow.

I have examined the MLR which shows that injuries No. 1 and 3 are only the complaint of pain and injuries No. 2 and 4 are bruises on the side of neck and eyebrow and no bleeding is recorded.

Learned trial Court after scanning the evidence of complainant and the witnesses, found that no absent report was placed on file. Learned trial Court also found that the evidence of the complainant remains un-rebutted which unlikely resulting to the conviction of the accused. Hence, the accused were discharged. The revisional Court agreed with the conclusion drawn by the learned trial Court.

I am of the view that there is no illegality or infirmity in the orders passed by the two Courts below. The evidence of the petitioner is shaky and cannot be believed. The accused is rightly discharged.

The petition is dismissed accordingly.

(KULDIP SINGH)
JUDGE

20.9.2018
preeti

whether speaking/reasoned
whether reportable

yes/no
yes/no