

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

**CRM No.M-42483 of 2018 (O&M)
Date of Decision: November 20, 2018**

Anil Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner-in-person.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana, Director General of Police, Haryana, Satender Mor, Sumer, Bajrang and Surender for quashing the proceedings and setting aside order dated 16.05.2018 passed by learned Addl. Sessions Judge, Bhiwani in case FIR No.476 dated 23.07.2012 under Sections 420, 406, 460, 468, 471, 120-B IPC and PC Act, registered at Police Station City Bhiwani.

I have heard the petitioner-in-person and have gone through the record.

From the record, I find that during the pendency of the trial against Surender, Satender, Bajrang and Sumer in case FIR No.476 dated 23.07.2012 under Sections 420, 406, 460, 468, 471, 120-B IPC and PC Act, an application was filed by petitioner Anil Kumar for treating him as

No.M-35932 of 2015 by this Court, with a request to take cognizance in the matter as per provisions contained in Section 190 Cr.P.C. Learned Addl. Sessions Judge, Bhiwani, heard the arguments and vide impugned order dated 16.05.2018, dismissed the application filed by the present petitioner.

It is admitted at the time of arguments that present petitioner has not named any person specifically to whom he wanted to summon in the proceedings under Section 190/193 Cr.P.C nor those persons have been made respondents in the present case. No order can be passed by this Court against any person, who is not party in the present petition. Furthermore, the perusal of the application given by the present petitioner before the trial Court shows that it is written that in the preliminary investigation, the police has given notice to obtain fingerprint and thumb impression of accused persons namely Satender, Bala Devi, Santosh Devi, Sumer Singh but State Branch Crime Hisar has obtained the finger print and thumb impression in respect of only two accused namely Satender and Sumer. In the absence of proper report sought from FSL Laboratory, Madhuban, there is nothing to show, as to how the names of accused Bala Devi and Santosh Devi have been abolished by the police in the challan.

The petitioner argued that police has not investigated the case fairly and properly and the investigation is defective and no evidence has been collected against wife and mother of Satender Mor accused. If it is the case that no evidence has been collected against wife and mother of accused Satender Mor, then there being no evidence against them to connect with the crime, even no cognizance can be taken under Section 190/193 Cr.P.C. against wife and mother of accused Satinder Mor. At the most, it is a case

application before the trial Court regarding further investigation and it is for the trial Court to see the locus standi of the present petitioner in the case.

In view of the above discussion, I find that the impugned order dated 16.05.2018 passed by learned Addl. Sessions Judge, Bhiwani, is correct, as per law and does not require any interference from this Court.

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

Since the main case is decided, the pending misc. applications, if any, also stands disposed of.

November 20, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No