

CRM-M-4571-2018

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

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Date of Decision: 05.02.2018

Vikrant Jindal and another

... Petitioners

Versus

Vijay Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jai Bhagwan, Advocate,
for the petitioners.

INDERJIT SINGH, J.

Petitioners-Vikrant Jindal and Muneesh Jindal have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 against respondents-Vijay Kumar and State of Punjab for quashing of the criminal Complaint No.36 dated 20.12.2011, titled as 'Vijay Kumar Vs. Vikrant Jindal and another', pending before the Sub Divisional Judicial Magistrate, Malerkotla (Annexure P-1) and the summoning order dated 10.06.2016 passed by the said Magistrate (Annexure P-2), whereby the petitioners have been summoned under Sections 447, 448, 452, 323, 427, 506 read with Section 34 of IPC and order dated 29.11.2017 (Annexure P-3) passed by Additional Sessions Judge, Sangrur whereby revision petition filed by the petitioner against the order dated 10.06.2016 has been dismissed.

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I have heard learned counsel for the petitioners and have gone through the record.

Learned counsel for the petitioners argued that complaint filed by the complainant is false one and counter-blast to the FIR got recorded by the present petitioners. He also argued that there is also no ground for summoning the petitioners in the complaint and dismissal of revision by the Court of Session against the summoning order is also illegal. He further argued that criminal complaint being false one is liable to be quashed.

After hearing learned counsel for the petitioners and going through the record, I find that it is settled law that this Court while quashing the complaint cannot give the finding of fact. The finding of fact is to be given on the basis of evidence, which is to be produced before the trial Court. The trial Court will look into the evidence to find out as to whether the complaint filed by the private respondent is false or counter-blast. It is a case of version and cross-version. As per the petitioners, occurrence took place in their house whereas respondent No.2-complainant in his complaint stated that occurrence took place in his bed-room. Again, the findings as to where the occurrence took place and as to who is the aggressor party are to be determined by the trial Court on the basis of evidence. As regards summoning order, it is passed on the basis of averment in the complaint as well as on the basis of preliminary evidence. I have gone through the impugned order passed by the Sub Divisional Judicial Magistrate. In no way, it can be held that the summoning order is not as per law, rather the complainant has also examined CW 2 Dr. Rajesh Raj to prove the injuries

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etc. While passing the summoning order, the Court is only to see as to whether there are sufficient grounds to proceed against the accused. Perusal of the impugned order passed by learned Sub Divisional Judicial Magistrate as well impugned judgment passed by learned Additional Sessions Judge, I find that no illegality has been committed by the courts below while passing the same.

Therefore, from the above, I find that there is no ground for setting aside the impugned order passed by the trial Court or the judgment passed by the revisional court nor there is any ground to quash the impugned complaint.

Finding no merit in the present petition, the same is dismissed.

05.02.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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