

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

CRR-2534-2014(O&M)
Date of decision:-2.5.2018

Charanjit Kaur

...Petitioner

Versus

Satya and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Ms.Preeti Sharma, Advocate as
Legal Aid Counsel for the petitioner.

Mr.P.P.S. Duggal, Advocate
for the respondents.

H.S. MADAAN, J.

The complainant Charanjit Kaur had filed a criminal complaint under Sections 452, 323, 324, 148 and 149 IPC against accused, namely, Satya, Amarjit Singh, Major Singh, Palo, Gori, Bhala, Kala and Rani on the allegations that on 2.5.2008 at about 6:00 p.m., all the accused arrived outside the house of complainant raising *lalkaras* using abusive language and daring the complainant to come out of the house and then they would teach a lesson to her for stopping them from indulging in witchcraft; the complainant did not come out of her house due to fear, then accused left threatening that they would kill her on some other day; on 30.5.2008 at about 11:15 p.m., all the accused trespassed in the house of complainant; accused Major Singh raised *lalkara* that the

complainant should be caught hold of and taught a lesson for stopping them for indulging in witchcraft, at which accused Satya, Amarjit Kaur and Palo assaulted the complainant; accused Bhalla gave a fist blow to complainant hitting her on the left eye, accused Gori gave a fist blow to complainant hitting her on left flank; thereafter, accused Satya and Amarjit Kaur caught hold of the complainant from her hair and threw her on the ground; accused Major Singh and Kala caught hold the complainant from her legs and arms and gave beatings to her, thereafter, accused Rani gave a fist blow to the complainant in her abdomen; when the complainant raised hue and cry then Pooro wife of Khushal Singh and Amrik Singh arrived there and saved the complainant from the clutches of the accused. The accused left the spot by giving threats to the complainant. The matter was reported to the police but no action was taken. As such, the complainant filed the complaint before the Court of Judicial Magistrate Ist Class, Ferozepur.

After recording preliminary evidence, accused were summoned, who put in appearance and were admitted to bail. During her pre-charge evidence the complainant got her own statement recorded as CW1. She did not examine any other witness despite availing of several opportunities, therefore, the pre charge evidence of the complainant was closed by Court order on 11.6.2014.

After hearing arguments, learned trial Magistrate discharged the accused vide order dated 8.7.2014. The reasons given therein are as under:

In the present complaint, the allegations of the complainant are that on 30.5.2008 all the accused persons

with common intention have caused injuries on her person while entering into her house and the said occurrence was witnessed by her husband and mother in law Veero who saved her from the clutches of accused. The cross-examination of the complainant CW1 is very much material in order to decide the present controversy. CW1 in his cross-examination has stated that accused remained in her house for about two hours and at that time her mother in law and Amrik Singh her husband were present at the house. If the accused might have caused injuries on the person of the complainant then they definitely fled away from the spot and there will no reason for them to stay at the house of complainant for about two hours. CW1 in her examination in chief has stated that her husband and mother in law came to spot when the accused were causing injuries on her person but in her cross-examination she has stated that they were already present in the house when the accused came and caused injuries on her person. Further as per version of the complainant the whole occurrence was witnessed by her husband and her mother in law but both the material witnesses did not come forward to record their testimony. The statement of the complainant is not corroborated by the testimony of any independent witness. The complainant in her complaint as well as testimony has alleged that many injuries were caused by the accused on her person. But the injuries on the person of complainant were not proved on

record as the complainant has failed to examine any doctor to prove her MLR and injuries on her person.

Further the complainant in her complaint has failed to explain the delay of more than 11 months in filing the present complaint. CW1 in her testimony failed to state that why the complaint has not filed by him within a reasonable time when police have refused to take action against the accused at the initial stage. So, from these facts, it seems that no such occurrence ever took place as alleged by the complainant.

So from the above discussion, I am of the considered view that complainant has failed to prima facie prove his complaint and there are no sufficient evidence to frame the charge against the accused persons. Hence, present complaint is hereby dismissed and accused persons are ordered to be discharged.

Feeling aggrieved by this order, the complainant had filed a revision petition before this Court, notice of which was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In the present case, I do not find any such illegality or infirmity with the impugned order much less apparent on the face of it. The order is certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order.

Finding no merit in the petition, the same stands dismissed.

2.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No