

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

CRR-827-2017

Date of decision:-10.5.2018

Parkash Chand

...Petitioner

Versus

Girish and others

...Respondents

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

Present: Mr.Ajit Kumar Sharma, Advocate for
Mr.R.D. Yadav, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 3.1.2017 passed by Judicial Magistrate Ist Class, Rewari vide which the complaint filed by present complainant – Parkash Chand against Girish and others was dismissed.

Briefly stated, facts of the case are that complainant Parkash Chand had filed a complaint against accused, namely, Girish, Rakesh Mishra, Bhupesh Mishra, Hitesh Mishra, Manju Mishra, ASI Randhir, HC Gobind for the offences under Sections 452, 506 and 427 IPC on the allegations that on 4.12.2011 when the complainant was sitting in his shop, then all of a sudden, the accused trespassed in his shop and gave

him beatings, causing damage to the goods lying in the shop besides giving threats to the complainant to kill him. According to the complainant, he had approached the police of Police Post Bharawas Gate, Rewari and lodged report there but to no effect, rather on 10.12.2011, ASI Randhir and HC Gobind arrayed as respondents No.6 and 7 came to his shop and misbehaved with him giving threats. The complainant gave various representations to DGP, Haryana and other authorities but no action was taken, as such, he filed the complaint in the Court of Chief Judicial Magistrate, Rewari.

The complainant led preliminary evidence. However, the trial Magistrate vide impugned order declined to summon the accused. The reasons given by him for arriving at such conclusion are as under:

At this juncture, keeping in view the oral evidence of complainant, his story seems corroborated at first glance. But when this Court perused the evidence present on the case file in collective manner, the case of the complainant appears to be prima facie doubtful for the following reasons. First of all admittedly, the incident took place on 4.12.2011 but no time of the incident has been mentioned in the complaint, nor any eye witness of the incident has been named in the complaint. Moreover, the testimony of PW2 Sonu also does not appear trustworthy as he has deposed that the complainant was rescued by him and other persons present on the spot. But in the complaint, the complainant has nowhere asserted that he was rescued by any other person.

Interestingly, the complainant PW1 Parkash Chand has categorically stated that the accused persons went out from the shop after beating him. Needless to say, the version of rescuing the complainant by the other persons is not corroborated at all. On the other count also admittedly, the complainant and accused persons are related to same profession, hence possibility of profession rivalry cannot be ruled out.

Furthermore, this Court has also perused the cluster of documentary evidence present on the case file in shape of various litigations pending between the parties, but the same does not help the complainant to prima facie establish his case qua the facts of incident dated 4.12.2011. On the other count also, the above noted litigation between the parties indicates that the motive behind this complaint may be the intention of complainant to settled score with the accused persons on one account or another. Therefore, the case of the complainant falls short on the scale of credibility and trustworthiness, and failed to provide any prima facie and firm ground to summon the accused persons in this case.

Being dissatisfied by the said order, the petitioner/complainant has filed the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I do not find any illegality or infirmity with the impugned order, which might have called for interference by this Court

while exercising revisional jurisdiction.

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 and not otherwise.

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

10.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No