

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

CRM No.M-418 of 2015 (O&M)

Date of Decision: May 23, 2019

Amanpreet Singh @ Aman and others

...Petitioners

VERSUS

Nishan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amrik Singh Kalra, Advocate
for the petitioners.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for respondent No.2-State.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of complaint No.11/01/10 filed on 27.01.2010 titled as 'Nishan Singh vs. Lakha Singh etc.' and summoning order dated 13.05.2014 passed by learned JMIC, Nakodar etc.

Notice of motion was issued. Learned State counsel appeared and contested the petition. On previous date, none appeared on behalf of respondent No.1, therefore, Registry was directed to give notice to learned counsel for respondent No.1. Today, Mr.Prateek Pandit, Advocate stated that though he was earlier appearing on behalf of respondent No.1 but now, he has no instructions to appear on his behalf.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

The perusal of the record shows that earlier FIR has been got registered by Amarjit Kaur, wife of deceased and as per the allegations in the FIR, accused Aman, Head Constable Lakha Singh, Rakesh Sanitary Wala, Sonu General Store wala and Sukhdev Pandit picked up husband of the complainant and struck him against the *tanki* after lifting him and due to the invisible injuries, he died at the spot. The police filed the cancellation report. Statement of complainant was recorded at that time and cancellation report was accepted. Now, as argued, stepson of Mukhtiar Singh, deceased has filed the present complaint.

The copy of the post-mortem examination report has been placed on record, according to which, no injury was found on the body of the deceased. The doctor had also opined that cause of death is cardiac arrest. Learned SDJM, Nakodar, on the basis of preliminary evidence, dismissed the complaint vide order dated 28.04.2012. Against that order, a revision was filed and learned Addl. Sessions Judge, Jalandhar, vide order dated 16.05.2014, set aside the order dated 28.04.2012 and directed the trial Court to pass fresh order by considering material coming on record.

I have perused order dated 16.05.2014 passed by learned Addl. Sessions Judge, Jalandhar. No cogent reason has been given while setting aside the well reasoned order dated 28.04.2012 passed by learned SDJM, Nakodar. No injury was found on the body of deceased. Secondly, the doctor had stated that cause of death is cardiac arrest. Further, FIR has already been cancelled. Therefore, in view of all these facts, the order passed by learned SDJM, Nakodar, was correct one. Without discussing the

that complainant specifically alleged beating to the deceased by the accused but no injury was found on his body, learned Addl. Sessions Judge, Jalandhar, has wrongly set aside the order dated 28.04.2012 passed by learned SDJM, Nakodar. The filing of the present complaint, is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. Complaint No.11/01/10 filed on 27.01.2010 titled as 'Nishan Singh vs. Lakha Singh etc.', summoning order dated 13.05.2014 and all subsequent proceedings arising therefrom, are hereby quashed.

May 23, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No