

204.

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

CRR-4558-2017

Date of decision:15.07.2019.

URMILA

... Petitioner

versus

STATE OF HARYANA & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagjit Gill, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr. Sumeet S. Brar, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Petitioner-complainant has filed the present revision petition impugning the order dated 03.11.2017 passed by the learned Additional Sessions Judge, Sirsa whereby the revision petition filed by the respondents No.2 and 3 against the order dated 26.09.2017 passed by learned Judicial Magistrate Ist Class, Sirsa framing additional charges under Sections 354-A(1), 354-A(iv) and 354-B read with Section 34 of IPC, was accepted.

An FIR No.804, dated 12.08.2014, under Sections 294/34/506 of IPC, Police Station City Sirsa, was registered against respondents No.2 and 3 at the behest of petitioner/complainant. As per the FIR, the petitioner has filed an application under Section 125 Cr.P.C. against her husband Kuldeep son of Mange Ram which was pending before the learned

the learned Magistrate, the petitioner had gone to attend the Court and it was about 3.00 PM, the respondents-accused abused the complainant in the court complex. Respondent No.3-Sudesh pulled her *chunni* whereas respondent No.2-Kuldeep abused her and they also threatened to kill her.

Counsel for the petitioner has argued that the trial Court has rightly framed additional charge against the respondents No.2 and 3 for the incident which took place in the court premises and, therefore, the revisionary court was not required to interfere in the well reasoned order framing charge against them. He has further argued that the petitioner was not given an opportunity when the aforesaid revision petition was listed for hearing before the revisionary court.

Counsel for respondents No.2 and 3 has argued that it is in order to harass the respondents, additional charges have been framed. Even the allegations, as narrated in the initial version of the FIR, are not likely to be proved and the allegations are false.

I have heard learned counsel for the parties.

This Court finds that the trial Court had framed charges against the respondents under Sections 354-A(1), 354-A(iv) and 354-B read with Section 34 of IPC, without appreciating the fact that the alleged incident was never reported to the police as there is no material on record to derive any information that the petitioner ever reported the matter to the police. Even the trial Court has straightaway framed the charges for the newly added sections without appreciating such material.

The argument of the counsel for the petitioner that the revision petition has been accepted by the learned revisionary court without issuing

the basis of FIR, the additional charges under Sections 354-A(1), 354-A(iv) and 354-B read with Section 34 of IPC, were added.

No ground for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

15.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No