

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29091-2019 (O&M)

Date of Decision:- 11.7.2019

Ram Lal

... Petitioner

Versus

Inderjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagram Singh Cooner, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 31.5.2019 passed by learned Sessions Judge whereby his revision challenging order dated 14.9.2017 passed by learned Sub Divisional Judicial Magistrate, Kalka, has been dismissed.
2. A few facts necessary for disposal of this petition are that petitioner- Ram Lal (complainant) had filed a complaint against five accused namely Inderjit Singh, Krishan Kumar Thakur, ASI Bharatu Ram, HC Satish Kumar and SHO Deepak Kumar, for offences punishable under Sections 166, 217, 279, 336, 417 and 120-B IPC, alleging

therein that on 3.7.2016, accused No.2 Krishan Kumar Thakur while driving a truck bearing registration No.HP-12C-3639 in a rash and negligent manner had rammed the same into complainant's car bearing registration No.HR-02R-6100. However, the matter is stated to have been compromised in the police station and accused No.1 Inderjit Singh had issued an accounts payee cheque for an amount of ₹15,000/- in his favour. However, the said cheque got dishonoured upon its presentation for which a complaint under Section 138 of Negotiable Instruments Act was filed by the petitioner/complainant. It is alleged that although the matter had been got compromised by the accused due to which FIR was not lodged initially but the petitioner, later on, has been requesting accused No.3 to 5 i.e. accused namely ASI Bharatu Ram, HC Satish Kumar and SHO Deepak Kumar, to lodge DDR/FIR but to no avail.

3. The complainant led preliminary evidence. The learned trial Court while considering the evidence ordered for summoning accused No.2 Krishan Kumar Thakur, driver of the offending vehicle bearing registration No. HP-12C-3639. However, the trial Court found no ground for summoning the remaining accused i.e. owner Inderjit Singh and police officials namely ASI Bharatu Ram, HC Satish Kumar and SHO Deepak Kumar, vide order dated 14.9.2017.
4. The accused, being aggrieved by aforesaid order dated 14.9.2017 passed by the trial Court in not having summoned Inderjit Singh, ASI Bharatu Ram, HC Satish Kumar and SHO Deepak Kumar, preferred a revision petition in the Court of Sessions, Panchkula, which has also

been dismissed by the learned Sessions Judge, Panchkula vide impugned order dated 31.5.2019.

5. Learned counsel for the petitioner has submitted that since it is a case where the police officials had colluded with the owner of the offending vehicle and despite having got a compromise effected the same was not honoured by the owner i.e. by Inderjit Singh, a case is made out for summoning all the aforesaid persons since they all had conspired together by deceiving the complainant into a compromise which was never honoured with the sole purpose of avoiding lodging of FIR against the driver and owner of the offending vehicle. It has been submitted that on account of non-registration of the FIR, the petitioner is also facing difficulty in pursuing his claim before the appropriate authorities in respect of the damage caused to his vehicle and as well as in respect of financial loss caused to him.
6. I have considered the aforesaid submission and have also perused the impugned orders. There is nothing on record to show that any compromise had been effected in the police station at the instance of the police officials i.e. accused ASI Bharatu Ram, HC Satish Kumar and SHO Deepak Kumar. It appears to be a case where some sort of compromise had perhaps been entered into between the complainant and Inderjit Singh at their own level. In any case, it is not Inderjit Singh who was driving the offending vehicle at the given point of time when the accident occurred. The driver of offending vehicle who can be said to be the prime offender has already been summoned. In these circumstances this Court does not find any

infirmity in impugned order dated 14.9.2017 passed by learned Sub Divisional Judicial Magistrate, Kalka and also impugned order dated 31.5.2019 passed by learned Sessions Judge, Panchkula, where the order of learned Sub Divisional Judicial Magistrate has been upheld. In any case, the petitioner already having availed the remedy of revision before the Sessions Court, the present petition is virtually in the nature of second revision petition at his instance although the same has been filed in the shape of Criminal Miscellaneous Petition.

7. In view of the discussion made above, this Court do not find any infirmity in the impugned orders and the same are upheld.
8. There is no merit in the present petition and the same is hereby dismissed.

July 11, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No