

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

CRM No.M-16177 of 2017 (O&M)

Date of Decision: March 01, 2019

Ram Avtar

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikram Singh Rao, Advocate
for the petitioner.

Mr.Sharad Yadav, DAG, Haryana
for the respondent-State.

Mr.Jagjeet Beniwal, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner Ram Avtar has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Rajender, for quashing of impugned order dated 06.09.2012 passed by learned Judicial Magistrate Ist Class, Gurgaon, vide which the petitioner was summoned and impugned judgment dated 28.07.2015 passed by learned Addl. Sessions Judge, Gurgaon, vide which the revision petition filed by the petitioner was dismissed and also for quashing of order dated 04.11.2016 passed by learned SDJM, Pataudi, framing the charges in case No.RBT 1047 filed on 17.07.2010, and all consequential proceedings arising therefrom.

Notice of motion was issued. Learned State counsel as well as

learned counsel for respondent No.2 appeared and contested the petition.

Learned counsel for the petitioner contended that it is case of version and cross-version. He also argued that no injury has been attributed to present petitioner Ram Avtar, therefore, learned trial Court has wrongly summoned the petitioner in this case and revision petition has also been wrongly dismissed by learned Addl. Sessions Judge, Gurgaon. He also argued that even the charges have wrongly been framed against the present petitioner.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The perusal of the record shows that Rajinder filed the complainant against Ram Niwas, Ram Avtar, Saroj, Roshni and Vishal under Sections 323, 148, 506 and 149 IPC. As per the complaint, Ram Niwas and his wife Saroj used to put garbage in front of house of the complainant. On 25.03.2010, Ram Niwas and Saroj again put garbage. When the complainant lodged protest, then Ram Niwas became enraged and he along with Ram Avtar, Saroj, Roshni and Vishal, came in the shape of unlawful assembly with the common object to cause injuries. Ram Niwas was armed with Axe, Roshni armed with lathi and Saroj was armed with iron pipe. Ram Niwas inflicted axe blow from the reverse side on the head of the complainant and Saroj and Roshni inflicted lathi and iron pipe blow to the complainant on his left hand and other parts of the body. It is also in the FIR that when Surender tried to rescue the complainant, Ram Niwas gave axe blow from reverse side on the head of Surender, Saroj inflicted fist blows on the face of Surender and Roshni gave lathi blow on the chest and right hand of Surender. It is also stated that injuries were also given to

Sunita, who tried to intervene. It is further in the FIR that Ram Niwas, Ram Avtar and Vishal threatened the complainant and his brother Surender that they would kill them in future whenever opportunity would arise and thereafter, they ran away.

The only argument of learned counsel for the petitioner for quashing the summoning order is that Ram Avtar has not caused any injury. This argument that Ram Avtar has not caused any injury, alone is insufficient to quash the summoning order or the order framing the charge, when there are allegations under Sections 148 and 149 IPC etc. There are allegations against the present petitioner in the complaint under Section 323 read with Section 149 IPC. In no way, it can be held that impugned orders and judgment are illegal and not as per law or in any way, amount to miscarriage of justice. No illegality has been committed while passing the impugned orders and judgment.

Therefore, finding no merit in the present petition, the same is dismissed.

March 01, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No