

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

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**CRM-M-39290-2021(O&M)
Decided on : 21.09.2021**

BHAGWAN SINGH @ BHANA AND ANOTHER

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

**PRESENT: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner(s).**

MANJARI NEHRU KAUL, J. (Oral)

By way of present petition filed under Section 482 CrPC, the petitioner is seeking quashing of Complaint No.20 of 2016 dated 21.07.2016 titled as 'Jasbir Kaur Vs. Bhagwan Singh and others', under Sections 323, 324, 354, 506, 452 and 34 of the IPC (Annexure P-5) as well as summoning order dated 29.08.2019(Annexure P-6) passed by learned JMIC Payal, District Ludhiana.

Learned counsel for the petitioner contends that on account of respondent No.2 objecting to the dumping of garbage in a plot, a quarrel took place between the parties on 19th April, 2016 and in the said quarrel neither any injuries were inflicted by the petitioners nor received by the complainant at their hands. However, later on, the complainant party self-inflicted the injuries and got themselves admitted in Civil Hospital, Malaud.

Subsequently, Police presented a *kalandra* under Sections 107, 150 and 151 CrPC. In the investigation carried out by the Police, the petitioners were found innocent and discharged vide order dated 03.01.2017 (Annexure P-2) by Sub-Divisional Magistrate, Payal. Learned counsel contends that the complainant party by hatching a conspiracy to grab the property of the petitioners, qua which a civil suit for permanent injunction was also pending before the Civil Court at Payal, planted the instant false case upon them. Learned counsel submits that the complainant party thereafter filed a private complaint in question under Sections 323, 324, 354, 506, 452 and 34 of the IPC and petitioners have now been summoned to face trial vide impugned order dated 29.08.2019 (Annexure P-6).

Heard and perused the material on record.

As per the allegations levelled in the complaint in question, on 19th April 2016 at about 10:30AM, when the complainant Jasvir Kaur was present at her house, petitioner-Bhinder Kaur @ Sukhwinder Kaur threw garbage in front of her house. Despite the complainant requesting the petitioner-Bhinder Kaur not to throw garbage in front of her house, she did not relent. Instead, she indulged in abusive behaviour with the complainant. On hearing the voice of petitioner-Bhinder Kaur @ Sukhwinder Kaur, her daughter, husband Bhagwan Singh @ Bhana and son Kamli @ Kamalpreet Singh came armed with a *soti* and *gandasa*. On coming to the spot, all the aforementioned persons physically assaulted the complainant, as a result of which, she received injuries with a *gandasa* on her head and left shoulder, besides other parts of her body. It was also alleged that petitioner-Bhagwan

Singh and the son of the petitioners Kamli with intention to outrage the modesty of the complainant tore off her shirt. When the complainant in order to save herself rushed into her house the accused followed her and continued to assault her besides indulging in inappropriate behaviour as a result of which the complainant fell down on the floor. The daughter-in-law of the complainant, who was in an advanced stage of pregnancy, tried to help the complainant, but the daughter-in-law too was not spared and given a brick blow on her back, as a result of which she too fell down on the floor. Due to the hue and cry raised, one Bhagwant Singh, who was in the vicinity came to the spot and saved the complainant and her pregnant daughter-in-law from the clutches of the aforementioned accused. The accused persons fled the spot and soon thereafter the son of the complainant also arrived at the spot who then took his mother i.e., the complainant and his wife to Civil Hospital Malaud, where they were medico legally examined. The trial Court after recording the preliminary evidence of the complainant Jasvir Kaur as well as other material witnesses including Medical Officer, Dr. Gurjinder Kaur, who appeared as CW-5, summoned the accused to face trial under Section 323, 506 read with Section 34 of the IPC.

It may be also noticed here that at the stage of summoning the accused, the merits and demerits of the case cannot be delved into nor can a Court examine the defence of the accused. The Court is only to see if the complaint discloses a *prima facie* case against the accused.

A perusal of the allegations levelled in the FIR does *prima facie* disclose the commission of offence(s). This Court is thus not inclined

to invoke its inherent jurisdiction under Section 482 CrPC, since the Court below has already taken cognizance of the matter and it would therefore not be proper to interfere as the impugned order comes across as a well reasoned one.

Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>