

CRM-M-33176-2019

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

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Date of decision: 24.11.2022

Lakhvir Singh

...Petitioner

Versus

Chuhar Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 26.09.2017 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Phillaur, vide which Complaint No.41/01/2014 dated 26.11.2013, under Sections 203, 193, 194, 195 and 182 read with Section 34 IPC, filed by the petitioner against the respondents, has been dismissed, and to the order dated 20.08.2018 passed by learned Addl. Sessions Judge, Jalandhar, vide which criminal revision filed by the petitioner against the order dated 26.09.2017, has been dismissed.

The petitioner-complainant filed the complaint against the respondents with the allegations that respondent No.2 in connivance with respondent No.1 had given false evidence to the police and in the court proceedings in case bearing FIR No.117 dated 07.07.2009, under Sections 302, 392, 336, 148, 149 and 190-B IPC, Police Station Phillaur, against the complainant and his brother, intending thereby to cause the complainant to be convicted.

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Learned trial Court after appreciating the preliminary evidence led by the petitioner, dismissed the complaint vide impugned order dated 26.09.2017.

Aggrieved thereagainst, the petitioner had unsuccessfully filed the revision petition before learned Addl. Sessions Judge, Jalandhar.

It is the case of the petitioner that the impugned orders passed by the courts below are against the law, and that the same are based on presumptions and surmises and, therefore, not sustainable in the eyes of law.

This Court has gone through the case file.

There is no finding of the courts below that respondent No.2 had got recorded a false case against the petitioner and his brother. At any stage, the FIR got registered by respondent No.2 was not found to be false. Both the courts below have rightly held that investigation in the above-noted FIR was conducted by the police thoroughly and respondent No.2 had no malice to launch the criminal proceedings against the petitioner and others. Moreover, the petitioner who faced the trial alongwith his brother, was acquitted by giving the benefit of doubt. Furthermore except the petitioner and his brother, the remaining accused in the above-noted FIR were acquitted for the reason that the material witnesses had not supported the prosecution version. Both the courts below have rightly held that there was no independent and cogent evidence on record that the respondents had given false statement with knowledge and believing the same to be false before the court in the above-noted FIR.

It is pertinent to mention here that summoning of the accused

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in criminal case is a serious matter. The criminal law cannot be set into motion as a matter of course. In the considered opinion of this Court, both the courts below have rightly passed the impugned orders after appreciating the evidence and material available on the file.

In view of the above, this Court does not find any merit in the present petition.

Dismissed.

24.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No