

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37099-2018

Date of Decision: 18.11.2022

INDU SHARMA

..... Petitioner

Versus

STATE OF HARYANA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. P.S. Jammu, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. R.N. Lohan, Advocate
for the respondents No.3 to 7.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 is seeking setting aside of order dated 23.08.2017 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Dabwali, District Sirsa and order dated 30.01.2018 (Annexure P-4) passed by Additional Sessions Judge, Sirsa whereby application of the petitioner filed under Section 319 Cr.P.C has been dismissed.

The case of the petitioner is that 30-40 bad elements armed with pistols, guns and other arms attacked house of the petitioner. She rushed to police station and police came there. The assailants left the place.

On the complaint of petitioner an FIR under Section 147, 148, 149, 451, 323 and 506 IPC and Sections 25 and 27 of Arms Act was registered and police after investigation filed its report under Section 173

Cr.P.C wherein 6 persons were nominated as accused.

Feeling not satisfied with police report, the petitioner preferred an application under Section 319 Cr.P.C before learned Trial Court seeking summoning of 8 more persons. Learned Trial Court vide impugned order dated 23.08.2017 dismissed application of the petitioner. Learned Trial Court passed a detailed and speaking order. Learned Trial Court noticed that FIR was registered on the basis of statement of complainant Ex.PW3/A wherein name of the proposed accused is nowhere mentioned. The complainant mentioned name of proposed accused for the first time in her complaint filed on 23.01.2015 which is after about 2 years from the date of occurrence. The petitioner preferred revision petition before Sessions Court which came up for consideration before learned Additional Sessions Judge, Sirsa who vide impugned order dated 30.01.2018 found no substance in the averments of the petitioner and accordingly dismissed revision petition. Learned ASJ, Sirsa noticed that petitioner is claiming that incident dated 01.01.2014 was witnessed by Ravinder Vasudera and Gurdas and admittedly none of them was cited as witnessed in the list of witnesses annexed with challan. Moreover, the allegations are not synchronized with the factual position as it is alleged. The Court also found that allegation of petitioner that 40 persons attempted to demolish house of complainant is misconceived.

I have scrutinized the record and heard arguments of both sides.

The police after completing investigation has filed challan wherein 6 persons are named as accused. The charges have already been framed and prosecution witnesses stand examined. The matter is fixed

for defence evidence. It appears that petitioner is trying to implicate each and every person just to settle her score. There seems no substance in the story of the petitioner. This Court is unable to find any substance in the petition. The orders passed by courts below are reasoned and speaking. No interference is warranted. Accordingly, petition is dismissed.

(JAGMOHAN BANSAL)

JUDGE

18.11.2022

Ali

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