

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

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CRR-2449-2018

Date of Decision: September 29, 2022

COURT ON ITS OWN MOTION

...Petitioner

Versus

ASI VED PAL AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner.

Mr. Namit Khurana, Advocate
for the respondent-ASI Ved Pal.

Ms. Mehak Sawhney, Advocate (Legal-aid-counsel)
for the complainant.

AMAN CHAUDHARY, J.(Oral)

Learned counsel was appointed from the panel of the legal aid-criminal for Single Bench matters to assist this Court on behalf of the complainant vide order dated 06.04.2022. Learned counsel draws the attention of this Court to the order dated 06.07.2018 whereby this Court had taken suo moto cognizance against respondent ASI Ved Pal and treated it as revision, while noticing the fact that he had beaten the complainant by entering into the latter's house which was not part of his official duty. The Court was considering a petition filed under Section 482 Cr.P.C. for quashing of criminal complaint No.256/1 dated 22.8.2013 under Sections 323, 504, 506, 148 and 149 IPC at Police Station Farakpur, District Yamunanagar of Anwar Hussain who filed the petition which was however, dismissed by the aforesaid order.

Learned counsel for the complainant submits that there was a cross case one of which was filed by Mohd. Danish being FIR No.146 dated 23.04.2013 against Ajmero Devi, complainant herein and others under Sections 148, 149, 323, 427, 448 and 506 IPC. The other being a complaint case No.1587 of 2014 at the behest of complainant against Anwar Hussain and Mohd. Danish (complainant) in FIR No.146 dated 24.03.2020 and others under Sections Sections 323, 504, 506, 148 and 149 IPC.

Learned counsel for the complainant has produced the copy of the judgment passed by JMIC, Yamuna Nagar at Jagadhri dated 11.01.2016 wherein the complainant and other co-accused were acquitted of the charges.

Learned counsel appearing on behalf of respondent No.1-ASI Ved Pal who has filed reply today in Court makes a reference to Annexure R-2 being judgment passed by Judicial Magistrate Ist Class Jagadhri, dated 26.10.2018 whereby he submits that the complainant in FIR No.146 dated 23.04.2013 were also acquitted. A specific reference is made to Para 11 (c) and (d) which reads thus:-

“Further, perusal of the testimony of the complainant recorded on 30.03.2017 shows that she has testified that nothing was done to her by any of the accused except ASI Ved Pal, however, the present complaint was dismissed qua ASI-Ved Pal by the learned trial Court at the stage of arguments on the point of summoning of the accused.

(d) Further, perusal of the case file show that one Ramesh Kumar has been examined by the complainant as an eye witness, however, during his cross-examination recorded on 30.03.2017 he has stated that he does not know anything and he only went to the spot to resolve the matter. Further, it has

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been testified by this witness that on the alleged date of incident, Chohal Ram, was arrested by the police and Amero Devi was told to go and to come up on the next date and he has nowhere testified against the accused persons and not a single word has been testified by this eye witness in order to show that the alleged incident took place and complainant and her husband were given beatings as alleged, by the accused persons.”

Keeping in view the aforesaid facts and circumstances that in both cases the respective accused have already been acquitted. More so in view of the specific paras as reproduced hereinabove, this petition stands disposed of.

No further order is required to be passed in this case.

September 29, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No