

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-24154-2016

Date of Decision:-06.12.2023

Jeet Singh.

.....Petitioner.

Versus

Balwinder @ Binder & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Urvashi Dhugga, Advocate as
Amicus Curiae for the Petitioner.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.PC is for quashing of the order dated 15.10.2015 passed by JMIC, Ambala (Annexure P-2) whereby the complaint filed by the complainant has been dismissed and the order dated 29.04.2016 passed by Additional Sessions Judge, Ambala (Annexure P-5) whereby the revision against the aforesaid order of dismissal of the complaint filed by the petitioner has also been dismissed.

2. The brief facts of the case are that the complaint came to be instituted against the accused persons at the instance of the petitioner with the allegations that on 05.03.2011 all the accused persons had entered into the land of the complainant and started raising construction. When the complainant had stopped them, they attacked him with various weapons. He was also got admitted to the hospital at Ambala where on medico legal

examination it was found that he had suffered a fracture on his little finger of the right hand.

3. Based on the evidence led the summoning court found that the injuries were self suffered and dismissed the complaint vide judgment dated 15.10.2015 (Annexure P-2).

4. The petitioner (complainant) filed a revision petition before the Court of Additional Sessions Judge, Ambala which came to be dismissed vide judgment dated 29.04.21016 (Annexure P-5).

5. The instant petition has been filed challenging the aforementioned judgments.

6. The Amicus Curiae appearing on behalf of the petitioner contends that a bare perusal of the complaint would show that the offences in question were clearly made out. The medical evidence was totally in consonance with ocular account. The fact that a Kalendra was registered by the police would go on to show that an occurrence had indeed taken place. However, undue importance had been given to the report under Section 202 Cr.PC wherein it was found that the injuries suffered by the complainant were self suffered. She therefore contends that the judgments were liable to be set aside and the respondents/accused were liable to be summoned to face Trial for the offences in question.

7. I have heard the learned Amicus Curiae for the Petitioner and perused the file.

8. A perusal of the file would reveal that as per the prosecution case, all the accused had caused injuries to the complainant on 5.3.2011. However, it has been categorically found during the course of the inquiry under Section 202 Cr.PC that the injuries on the person of the complainant were self suffered. In fact the complainant himself had cut his finger in

order to get the present criminal proceedings in motion. Interestingly no specific injury has been attributed to any of the accused. This makes the case of the complainant extremely doubtful. Merely because the proceedings under Section 107/151 Cr.PC had been initiated would not establish that the occurrence as suggested by the complainant had indeed taken place.

9. In view of the aforementioned discussion, I find no infirmity in the judgments dated 15.10.2015 passed by JMIC, Ambala (Annexure P-2) and dated 29.04.2016 passed by Additional Sessions Judge, Ambala (Annexure P-5) and, therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 06, 2023
Vinay

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