

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

(211)

CRM-M-44812-2021(O&M)
Date of Decision:-04.01.2023.

Nand Kishore and Ors.

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. K.K. Garg, Advocate for the complainant.

ALOK JAIN, J. (Oral)

CRM-35828-2021

Application is allowed as prayed for subject to just exceptions.

Annexures P-1 and P-2 are taken on record.

CRM-M-44812-2021

The present petition has been filed under Section 482 Cr.P.C. for quashing the judgment dated 14.10.2021 (Annexure P-5) passed by the learned Addl. Sessions Judge, Kurukshetra, whereby the learned trial Court was directed to frame charge under Section 354 IPC against the petitioners in addition to Sections 323, 506 IPC in case FIR No.78 dated 02.06.2016 registered under Sections 148, 149, 323, 506 IPC at Police Station Babain, District Kurukshetra on a revision filed by the complainant.

The only ground raises in the present petition is that the learned Additional Sessions Judge could not have issued a mandate directing the trial Court to frame the charge and rather it should have at the best remanded back the matter for re-appreciation and then decide as to whether Section 354 IPC be added or not.

Counsel for the respondents fairly submits that the present petition can be disposed of with a direction to the trial Court in the same terms.

Ordered accordingly.

Trial Court is directed to re-appreciate the material available on record and if the ingredients of Section 354 IPC are made out, the said section be also imposed.

Accordingly the impugned order dated 14.10.2021(Annexure P-5) is modified to that extent and petition is disposed off.

(ALOK JAIN)
JUDGE

January 04, 2023.

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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No