

CRM-M-29071-2013

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(233)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29071-2013
Date of Decision: 01.03.2024

JASWANT SINGH

... Petitioner

Versus

SHAKTI SIINGH & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sumeet Puri, Amicus curiae
for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 20.04.2011 passed by the JMIC, Kaithal vide which the complaint of the petitioner has been dismissed and the order dated 12.08.2013 passed by the Addl. Sessions Judge, Kaithal vide which the criminal revision against the order dated 20.04.2011 has been dismissed.

2. The brief facts of the case are that an FIR No.79 dated 04.08.2008, U/s 363, 366 and 376 of the IPC, P.S. Kalayat was registered on the application of respondent No.1-Shakti Singh against the petitioner and others.

3. The petitioner-Jaswant Singh, Dilawar Singh and Smt. Rekha were discharged by the Court of Sessions Judge, Kaithal vide order dated 11.06.2009.

4. Petitioner-Jaswant Singh filed a complaint under Section under Sections 500, 501, 182, 193 read with Section 34 IPC against the respondents with the allegations that the prosecution emanating out of FIR No.79 dated 04.08.2008, U/s 363, 366 and 376 of the IPC, P.S. Kalayat was based on a false complaint with an intent to defame the petitioner and the others in the society.

5. The complaint came to be dismissed by the JMIC, Kaithal vide order dated 20.04.2011. The copy of the said order is attached as Annexure P-1 to the petition.

6. A revision petition was preferred before the Court of Addl. Sessions Judge, Kaithal which came to be dismissed vide order dated 12.08.2013. The copy of the said order is attached as Annexure P-2 to the petition.

7. The aforementioned orders are under challenge in the present petition.

8. The learned counsel for the petitioner contends that the Courts below had failed to appreciate the evidence produce by the petitioner in its correct perspective and ignored the agony and trauma faced by the petitioner, his wife Smt. Rekha and Dilawar Singh. The Courts below did not appreciate the order dated 11.06.2009 of discharge vide the petitioner and others were discharged. The complaint of the petitioner had been dismissed on untenable grounds and without proper appreciation of evidence. In fact, the FIR No.79 dated 04.08.2008, U/s 363, 366 and 376 of the IPC, P.S. Kalayat had been

lodged with an intent to defame, insult and harassed the petitioner and his co-accused. Respondent Nos.6 and 7 were in collusion with respondent No.1. He, therefore, contends that the offence was clearly made out for which the respondents were liable to face Trial.

9. I have heard the learned counsel for the amicus curiae.

10. A perusal of the documents and evidence relied upon by the complainant/petitioner-Jaswant Singh shows that he along with his co-accused had been discharged by the Court of the Sessions Judge, Kaithal by holding that there was no incriminating evidence against him and the other two accused. There was no finding that the accused had been falsely implicated on the basis of false statements and fabrication of evidence. In fact, the complainant/petitioner and other had been discharged simply on account of lack of incriminating evidence. Further, there was no finding of any Court or any Investigating Officer that false statements had been made by the accused respondents. In fact, the prosecutrix in that case had not resiled from her statement implicating the complainant and his family members one of whom was facing Trial while the others had been discharged for lack of evidence but not on the ground that they had been falsely implicated. As regards the police officials, they registered the FIR on the basis of the medical evidence and submitted the challan by holding that some of the accused including the petitioner/complainant did not have any incriminating evidence against them and it was for the Court to decide whether they were to be discharged or not. However, the police officials did not hold that there was

absolutely no evidence against the complainant and his family members. Further, as regards the offence under Section 193 IPC, the provisions of Section 195 Cr.P.C. were to be resorted to which had not been done in the present case. Similarly, the offence under Section 182 IPC is also not made out. Even otherwise, the charge had been framed against the accused Arvind i.e. son of the petitioner/complainant-Jaswant Singh under Section 363, 366 and 376, 2(G) of IPC. Therefore, there is no evidence of the filing of a false complaint to defame the petitioner/complainant.

11. In view of the above discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.03.2024

JITESH

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