

2024:PHHC:008245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-34675-2016 (O&M)
Date of decision : 09.01.2024

Mukesh Kumar & others Petitioners

versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kishan Garg, Advocate
for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Shiv Kumar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Prayer is for quashing of the complaint as well as summoning order dated 09.06.2014 (Annexure P-2), whereby petitioner has been ordered to be summoned for offence punishable under Section 323 read with Section 120-B of IPC.
2. The complainant preferred the complaint and after the preliminary evidence was led by the complainant, the trial Court passed a well reasoned order, whereby petitioners were summoned for offence punishable under Section 323 read with Section 120-B of IPC.
3. Counsel for the petitioners while attacking the order, submits that there are no allegations to constitute offence punishable under Section 323 against the petitioners.
4. The argument is totally misconceived. The operative part of the complaint read as under:-

2024:PHHC:008245

“xx xx xx

9. That this infuriated the accused and they started throwing and breaking house-hold items at the house of complainant. That during this scuffle the accused also beaten the complainant by slaps and fists.

10. That hearing the noise, two neighbours of the complainant namely Sh. Kishore Gupta and Ram Singh came to house of complainant and save the complainant from the accused.

11. That the complainant was having with him sum of Rs.25,000/- which the accused also snatched from the complainant as well as a gold chain worth Rs.60,000/- which the complainant was wearing at that time and inspite of stiff resistance by the complainant, the accused succeeded in taking away the same.”

5. In view of above, this Court does not find that the complaint is so bereft of the basic allegations to constitute offence under Section 323 that would warrant interference by this Court while exercising Section 482 Cr.P.C. to throw away the complaint.

6. Consequently, no ground is made out and the present petition is hereby dismissed.

7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

09.01.2024
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No