

236

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 44592 of 2017 (O&M)

Date of decision : 19.01.2024

Sharda Devi

..... Petitioner

versus

Bimla & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Jitender Dhanda, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

1 Present petition has been filed under Section 482 Cr.P.C. seeking quashing the order dated 09.07.2015 (Annexure P-2) passed by Chief Judicial Magistrate, Hisar whereby the protest petition/complaint No.446-1 dated 10.10.2014 filed by the petitioner in FIR No.508 dated 08.06.2014 registered under Sections 323/328/452/34 IPC at Police Station City Hisar stands rejected. Further challenge is to the order dated 09.10.2017 (Annexure P-3) passed by the revisional Court affirming the aforesaid order.

2 FIR was registered on the information received from Sharda Devi-the petitioner alleging as under :-

“Stated that I am the resident of above address and is a House Wife. I have three sons two of my sons are married. My husband Ramesh Chander son of Udami Ram is working as Accountant (Munim). I Yesterday i.e. 06.06.2014 at 10.30 am was present at my home, two ladies namely Bimla wife of Amarnath and wife of Sushil son of Amarnath came inside our house and they demanded the registered sale deed of shops situated at Bhagat Singh Chowk about which we are having dispute with Sushil son of Amarnath Mahajan Bania resident of Loharia Chowk Hisar. Three persons namely Amarnath his son Sushil and their Munim were

standing outside home. I told the ladies that sale deed of the shop are in the bank. Then Bimla mother of Sushil pushed me on the floor and wife of Sushil who was having a small bottle and I am not aware of contents of same, then stated administered containing the content poison, to me. forcibly In the meanwhile exhortation came from outside that administer to administer the medicine properly so that I cannot survive. A raise a noise that they administer something to me, which attract my son Bhupender to the spot. My son called my husband telephonically who came along with the police that time both the ladies present at that time. Thereafter my son admitted at Khanna Hospital Hisar. I was unconscious until now, now I am fully conscious. I got recorded my statement in the presence of my husband Ramesh Chander and son Bhupender. I got recorded my statement. Heard. Same is correct. Legal action kindly be taken against them. Sd/- Bhupender, Ramesh Chander, Sharda Devi.”

3 After investigation police filed cancellation report. The petitioner-complainant protested thereto. Her protest petition was treated as complaint. The trial Court dismissed the complaint observing as under :-

“xxx xxx as per the version of complainant she has been stated to have forcibly administered poison by the accused party. In the complaint also, it has been averred that the accused persons i.e. accused No.1 and 3 had over powered the complainant and had administered poison to her. In normal course of circumstances, in case the accused No.1 and 3 had attempted to administer poison to the complainant in her own house only, the complainant must have offered a reasonable resistance to the act particularly when she knew that the thing which is going to be administered to her is a poisonous substance. In these circumstances, there must have been some marks of resistance or use of force on the body of complainant. However, perusal of file would reveal that there is no injury or resistance marks found on the body of complainant. The medical report Ex. P1 issued by Khanna Medical Centre does not show any sign of injury over the body of complainant. The Investigating Officer had also sought the opinion of the doctor as to whether there was any injury or sign on the body of complainant and whether any cloth of complainant was torn and as per the report made by the doctor available on record, there was no sign of injury over the body. In these circumstances, the version of complainant that she was administered poison forcibly by accused No.1 and 3 becomes very improbable.”

4 The aforesaid findings recorded by the Magistrate stand affirmed by the revisional Court.

5 Counsel for the petitioner has not been able to show as to how the findings recorded by the Courts below can be said to be improbable. There is no evidence on record to show to the contrary. Apart from that it is not the case of the petitioner that the evidence on record has not been appreciated in its true prospective.

6 In view of above, this Court does not find it to be a case for exercise of jurisdiction under Section 482 Cr.P.C.

7 Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

19.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No