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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27839-2024

Date of Decision: 29.05.2024

Nand Lal

....Petitioner

Versus

Neeraj Kumar

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dinesh Kumar Prajapati, Advocate
for the petitioner.

ANOOP CHITKARA, J.

Complaint No.COMI-209-2017 dated 25.09.2017 u/s 323, 324, 506, 34 IPC and Section 25 of Arms Act and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 titled as Neeraj Kumar vs. Nand Lal

Seeking quashing of the above said complaint along with all subsequent proceedings including the summoning order dated 15.02.2024 u/s 323, 341, 506 & 34 IPC passed by the Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri, the petitioner has come up before this Court by filing the present petition under section 482 CrPC.

2. Petitioner’s counsel argued that initially in the inquiry, petitioner was absolved, however on the same allegations, present complaint was filed.

3. I have examined the matter to ascertain that whether this case is worth for issuing notice or not.

4. Perusal of the order reveals that Judicial Magistrate has referred to the preliminary evidence adduced by the complainant who stepped in witness box and examined as CW2 and also one Mangat Ram as CW1, Murti Devi as CW4. The concerned Magistrate has

also referred to the Dr. Rameeta (Medical Officer, PHC, Buria) who proved MLR as Neeraj and Ram Murti as Ex.CW3/A and Ex. CW3/B. Perusal of the order further reveals that the concerned Judicial Magistrate, Ist Class, did not proceed to summon the petitioner for the offence under Section 25 of Arms Act & SCST Act, as there was not sufficient material before the Court to proceed against the petitioner for the said offence and summoned only for Sections 323, 341, 506 r/w 34 IPC, to face trial. There is material in the nature of medical record i.e. MLR Ex.CW3/A and ExCW3/3 of injured and testimony of witness before the trial Court and there is no illegality in the order. The court has only formed a prima facie view and petitioner has opportunity to cross-examine all witnesses including injured and medical officer to prove their stand in pre-charge evidence and then also has opportunity to argue on the point of charge.

5. In the opinion of this Court, this case is not worth for issuing notice. In the entirety of facts and circumstances, there is no illegality in the order dated 15.02.2024 passed by the Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri.

6. Consequently, petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.05.2024
anju rani

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no