

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

CRM-M-28229-2019

Date of Decision:16.04.2024

Surinder Kaur

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Baljinder Singh, Advocate
for respondents No.4 to 6.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr. P.C with a prayer to quash the impugned order dated 07.05.2019 (Annexure P-4) passed by the Court of Additional Sessions Judge, SBS Nagar and the order dated 30.08.2016 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, SBS Nagar, whereby the protest petition filed by the petitioner was dismissed and the prayer for summoning the respondents was declined by both the Courts.

2. In the present case, the petitioner/complainant had filed a complaint against the respondents by alleging that Niranjana Singh had given a house to the petitioner for living, by way of an writing dated 11.08.2010. In fact, the petitioner had been looking after Niranjana Singh and his wife Gurbachan Kaur for the last 18/20 years, who were neglected by their family

members, including the private respondents. Even Niranjan Singh, got the electric meter changed in the name of the petitioner, by submitting an affidavit in this regard. Thereafter, the petitioner and her family had been living in the said house for the last 18/20 years, during the life time of the Niranjan Singh and after the death of Niranjan Singh and his wife, they continue to stay in the house. Ultimately, the respondents started pressurising the petitioner and her family members to vacate the house otherwise they would face the dire consequences. Ultimately, the respondents along with their accomplices had broken open the locks and forcibly took away the household articles from the house and they were caused injuries. Even Amandeep Kaur daughter-in-law of the petitioner was thrown into the police vehicle by the accused and they slapped her and also gave fist blows. Finally, on the basis of the complaint submitted by the petitioner, one FIR No. 13 dated 28.02.2012 under Section 380,447,506,120-B of IPC was ordered to be registered against the respondents.

3. Learned counsel for the petitioner contends that in fact, the police had colluded with the respondents and filed a cancellation report twice. Ultimately, the present petitioner filed a protest petition before the Area Magistrate and examined six witnesses in preliminary evidence. Learned counsel further contends that the witnesses produced by the petitioner had proved the case against the respondents beyond the shadow of any doubt and by completely overlooking the evidence led by the petitioner, the prayer for summoning the respondents was declined illegally. Learned counsel further submitted that both the impugned orders were based on mis-appreciation of preliminary evidence and had caused serious mis-carriage of justice. In fact, there was ample evidence to establish that the petitioner along with her family

member were residing in the house in question and the respondents had broken open the locks of the house and had stolen the household articles.

4. On the other hand learned counsel appearing on behalf of private respondents submitted that the impugned orders were based on correct appreciation of evidence and law and were liable to be upheld by this Court. Learned counsel further submitted that detailed findings had been recorded by both the Courts in the present case and the petition is liable to be dismissed by this Court.

5. After hearing learned counsel for the parties and perusing the record, this Court finds no reason to interfere with the impugned orders Annexure P-3 and Annexure P-4 passed by both the Courts.

6. The main allegation levelled by the present petitioner is regarding breaking open the locks of the house of the petitioner by the accused on 01.12.2011. To support the said charge, the petitioner examined CW-1 Kiranpreet kaur and CW-4, Amandeep Kaur, who clearly stated that the complainant, her family members including CW-1 and CW-4 were present in the house, when the occurrence had taken place. When all the family members were present inside the house, there was no need to break open locks of the house. Further, it has been alleged that the accused had brought tractor/trolleys, but no details/description of any such tractors/trolleys were placed on record by the petitioner. Apart from that, even no evidence was placed on record to show the destruction on the site by the accused in the present case. Still further, the petitioner had levelled serious allegations with regard to causing injuries to Amandeep Kaur, who was pregnant daughter-in-law. As per the complainant, she was thrown from the police vehicle and was severely beaten up by the

accused. However, no medical evidence was produced by the petitioner to prove the said charge.

7. Even otherwise, I have perused the findings and facts recorded by both the Courts and the said findings do not suffer from any material irregularity, perversity or illegality. In fact, the petitioner had failed to lead sufficient evidence for scrutiny by the Magistrate concerned to arrive at the conclusion that the offence had been committed by the respondents and the prayer for summoning the respondents was rightly declined by the Courts.

8. The petition is accordingly ordered to be dismissed.

16.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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