

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-795-2025

Date of Decision: 25.03.2025

Neetu Dixit @ Nisha

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Malik, Advocate and
Mr. Nipun Arora, Advocate for the petitioner

Sandeep Moudgil, J.

CRM-12313-2025

For the reasons mentioned in the application, the same is allowed and the delay of 32 days in filing the revision petition is hereby condoned.

CRM stands disposed of.

Main case

(1). This criminal revision petition has been filed under Section 401 CrPC by the petitioner seeking to quash the order dated 16.11.2024 passed by Addl. Sessions Judge, Gurugram vide which the trial court has directed framing of charges against the petitioner under Sections 302 read with Section 34 IPC.

(2). Learned counsel for the petitioner submits that the FIR No.361 dated 18.05.2024 under Section 302 IPC was registered at Police Station Gurugram Sadar against unknown person on the complaint of the brother of the petitioner and the present petitioner was implicated on the supplementary statement of the complainant made on 20.05.2024 and the petitioner was arrested on 19.05.2024 and as such there are material discrepancies with regard to the date of seizing articles from the house of the petitioner inasmuch as the

seizure memo is of dated 20.05.2024 while the statement under Section 161 of the concerned witnesses were recorded on 19.05.2024.

(3). It is further contended that the investigating agency had planned on 19.05.2024 itself that the false recoveries are to be shown at the behest of the petitioner in order to implicate her after securing her police remand from the Court and the said items were planted and false seizure memos were subsequently prepared by the investigating agency. It is further highlighted that even in the reply filed by the prosecution to the application under Section 227 CrPC preferred by the petitioner before the trial court seeking her discharge from the case, the glaring deficiencies so raised have not been adequately addressed.

(4). Heard learned counsel for the petitioner.

(5). A perusal of the impugned order would show that the allegation against the petitioner is that on 18.5.2024, Vicky succumbed to the injuries caused by the petitioner along-with another co-accused with intention to kill him and as such, the petitioner committed an offence punishable under Section 302 read with Section 34 IPC as is evident from the fact that the phone and the blood-stained cloth of the deceased were recovered from the house of the petitioner.

(6). Even as per the final report under Section 173 CrPC alongwith its documents, the trial court found that prima facie offence under Section 302 read with Section 34 IPC is made out against all the petitioner and there being sufficient grounds for presuming that petitioner has committed the offence, charges were accordingly framed against her.

(7). The contention of the petitioner that there are material discrepancies in the evidence and statement made by the prosecution witnesses inasmuch as the petitioner was arrested much before the alleged disclosure statement was made are some of the issues which cannot be adjudicated by this Court being exclusive subject matter of trial and if any opinion is framed sans evidence would seriously affect the trial procedure. Whether or not those allegations are true is a matter which cannot be determined at this stage by this Court and any such determination can take place only at the time of trial.

(8). All the more, the Court is only required to evaluate the material on record and find whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out and if the trial court were to think that the accused might have committed the offence, it can frame the charge, though for conviction the conclusion is required to be that the accused has committed the offence. It is apparent that at the stage of framing of a charge, probative value of the materials on record cannot be gone into; the materials brought on record by the prosecution has to be accepted as true at that stage itself.

(9). In view of the above discussion, this petition fails and is accordingly dismissed.

25.03.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* **Yes/No**
2. *Whether reportable?* **Yes/No**