



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRM-M-4042-2018 (O&M)

Date of decision: 12.11.2025

Krishan Lal

...Petitioner(s)

VERSUS

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Aman Sharma, Advocate for the petitioner(s)
(Legal Aid Counsel).

Ms. Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for setting aside the order dated 06.11.2015 passed by the Judicial Magistrate 1st Class, Ludhiana as well as the order dated 07.08.2017 passed by Additional Sessions Judge, Ludhiana, whereby the prayer of the petitioner for seeking directions under Section 156(3) Cr.P.C. had been declined.

2. Learned Legal Aid Counsel appearing on behalf of the petitioner contends that the petitioner had filed an application under Section 156(3) Cr.P.C. for registration of case under Section 294, 323, 324, 380, 497, 493, 499, 415 and 415 of the Indian Penal Code, 1860 against respondent No.2. He contends that the marriage between the petitioner and respondent No.2 was solemnized 22 years ago at Ludhiana according to Hindu rites and ceremonies and three children were born from their



wedlock. A dispute, however, arose amongst the parties and respondent No.2 started picking up quarrels with the petitioner on petty matters. The petitioner was thrown out of his house on several occasions, resulting in the convening of Panchayats. The matter was patched up for the well-being of the children, however, the situation grew worse. Allegations were also levelled with respect to an illicit relationship between respondent No.2 and her paramour-respondent No.3. Counsel contends that the petitioner was threatened by respondent No.2 under the influence of respondent No.3, against which a complaint had been submitted by the petitioner, however, as no action was taken, hence, the instant complaint had been filed before the Illaqa Magistrate for issuance of directions to register the FIR. The said prayer was not accepted and the complaint was dismissed by the Illaqa Magistrate, against which a criminal revision was preferred. The said criminal revision was also dismissed by the Additional Sessions Judge, Ludhiana, against which the instant petition has been filed.

3. Learned counsel submits that respondent No.2 had herself left the matrimonial house with gold ornaments and cash and yet submitted a complaint against him to the Mahila Aayog, Rurkee. On inquiry, the petitioner was declared innocent. The petition filed by the petitioner under Section 9 of the Hindu Marriage Act, 1955 was also decreed but respondent No.2 did not join the matrimony. He was later assaulted some days before filing of the complaint. The same was wrongly dismissed without appreciating the evidence as well as the MLR which was submitted to



corroborate the testimony.

4. I have heard the learned counsel appearing on behalf of the petitioner at length and have gone through the orders passed by the Courts below.

5. Before proceeding further in the matter, it would be apposite to refer to the operative part of the order passed by the Judicial Magistrate 1st Class, Ludhiana, dated 06.11.2015. The same reads thus:-

“2. In his preliminary evidence complainant stepped himself into witness box as CW1. He further examined CW 2 Rakesh Kumar brother of complainant. They all deposed on the lines of the complaint thereafter closed her preliminary evidence by xxx xxx.

3. I have heard the learned counsel for the complainant and record has been perused carefully. The 1st allegation of the complainant xxx accused persons is under section 294 of IPC. But there is no evidence on record and even both the witnesses have not deposed on the alleged offence under section 294 that any obscene act was done by the accused persons at any public place. The 2nd allegation against the accused persons is under section 323 and 324 of the IPC. In his complaint the complainant stated that 3/4 days prior to filing of the present complaint both the accused assaulted the complainant thereafter the complainant got himself medically



examined for which the complainant has placed on record MLR dated 17.03.2015. The present complaint has been filed by the complainant on 11.09.2015. There is contradiction regarding the date of alleged occurrence. According to the version of complainant the alleged occurrence must have occurred in the month of September 2015 but the MLR produced on record is on the month March 2015 which is very much prior in time to the date of occurrence. Moreover CW2 deposed that accused number 1 along with his brother has assaulted the complainant. But the complainant himself deposed that accused number 1 along with accused number 2 has assaulted the complainant. Therefore there is direct contradiction with regard to testimony of both the witnesses. Therefore if cast shadow of doubt on the testimony of both the witnesses regarding offence under section 323 and 324 of IPC. Further the complainant has made allegations under section 497 and 493 of IPC but there is not even a single iota of evidence to substantiate the version of complainant regarding offences under section 497, 493 and 380 of IPC. There are just vague allegations. Further complainant has made allegations under section 499, 415, 405 of IPC but there is no evidence regarding defamation and publication of any defamatory remarks by the accused persons. Further there is no single place of evidence regarding the alleged offence



under section 405 and 415 of IPC. There is no evidence on record with regard to entrustment of any property to the accused persons moreover no proof of cheating is there on record.”

6. It is evident from the above that the Illaqa Magistrate specifically noticed that there were direct contradictions in the testimonies of witnesses in relation to offences under Section 323 and 324 of the Indian Penal Code, 1860 and the medical record in support thereof about the time of occurrence. There was also no evidence to substantiate the allegations for offences under Sections 497 and 493 of the Indian Penal Code, 1860. The allegations, having been found vague and unsubstantiated, the same were thus disbelieved. There was no evidence also regarding defamation or defamatory remarks. Accordingly, the complaint was dismissed.

7. The Revisional Court also considered all the aspects and recorded its findings on the above aspects as under:-

“5. Aggrieved therefrom, the revisionist/complainant has preferred the instant revision petition against the said order, with the prayer to set aside the order dated 6.11.2015 under revision and to summon the accused/respondents by accepting the revision of revisionist.

6. After hearing respective contentions of the learned counsel for revisionist and having gone through the record carefully, it is found that the instant revision moved by the



revisionist merits dismissal.

7. *The learned counsel Sh. Gaurav Anand Advocate, for the revisionist has vehemently argued that the orders of the court below are totally wrong and illegal. The complainant/petitioner filed the application under section 156(3) Cr.P.C for registration of case under sections 323, 324, 325, 341, 379, 380, 506, 120 B IPC against the respondent Sangeeta Rani, Tara, Paras, Ram, etc. stating therein that he married about 14 years back with the accused respondent No.1 Sangeeta, it was a simple and dowry less marriage and from which marriage three children were born who are alive and residing with the accused/respondent No.1. Accused/respondent Sangeeta developed the illicit relations with accused respondent No.2 and revisionist many a times caught hold her in a shameful condition with the accused No.1 and others. Revisionist and his relatives tried to path up the matter but in vain rather they misbehaved gave beating to revisionist with threat to implicate in some false criminal case. The order in revision is against the law and facts of the case and is not sustainable. Order in question is incorrect and on examination of the file of the trial court by this court shall reveal that a good prima facie case under sections 323, 324, 325, 341, 379, 380, 506, 120 B IPC was made out against the respondent by taking*



*an opposite view by the trial court it has committed an grave error. In support of his contention, learned counsel for the revisionist has relied upon law laid down in case titled as **Hamant Yashwant Dhage vs. State of Maharashtra and others***

Lastly, prayer has been made for acceptance of the instant revision petition.

8. *On the other hand learned counsel for the respondents vehemently contended that order passed by the learned lower court is as per law, facts and circumstances. There is no illegality as such in the impugned order as prima facie no evidence against the respondents has been made out in the present complaint. The M.L.R produced by the revisionist before the learned lower court has conceived material facts in regard to date of incident. The revisionist/complainant has miserably failed to place on record even single iota of evidence to summon the present respondents as per complaint. Lastly, prayer has been made for dismissal of the revision petition.*

9. *After hearing the respective contentions of learned counsel for the revisionist and having gone through the oral as well as documentary evidence carefully, I found no merit in the present revision petition. The contentions raised by learned counsel for the revisionist are without merit.*

10. *Learned counsel for the revisionist contended that*



*present complaint was moved against Sangeeta Rani, Tara, Paras Ram, Kalu, Dheeraj and Ajay Kumar Sharma but learned lower court has not named accused Kalu and Dheeraj in the impugned order but I do not find any force in the contention of learned counsel for the revisionist. The perusal of record shows that revisionist has moved complaint against respondents namely Sangeeta Rani and Ajay Kumar Sharma only. The revisionist nowhere mentioned any name, allegations against other persons namely Tara, Paras Ram, Kalu and Dheeraj etc. So in case revisionist has not named the above named persons in the complaint itself, then their names not mentioned in the impugned order does not itself arise. Moreover, on the grounds of revision, revisionist has put some new facts which is beyond the complaint, so could not be looked into at this stage. Further were, the allegations put forth by revisionist against the respondents are only verbal allegations without any support of any oral as well as documentary proof. Further, there are major discrepancies in the statement of revisionist/complainant Kishan Lal as CW1 and Rakesh Kumar as CW2 which itself miserably failed to establish case of revisionist prima facie case on the file. It has also been held in case **S.W. Palanitkar Versus State of Bihar 2001 (4) R.C.R. (Criminal) 572** that Magistrate to summon accused if there are*



sufficient grounds for summoning. Words "Sufficient Grounds" used in section 203 Cr.P.C. have to be construed to give satisfaction that a prima facie case is made out against the accused and not sufficient ground for the purpose of conviction.

11. *As a result of my above discussion and without elaborating further, it is found that learned Trial Court has rightly refused to summon the respondents as accused in this case. Even otherwise, the scope of the revisionary court to interfere into such type of order is very limited. Ordinarily the Revisionary Court will not interfere with the order passed by the court of first instance in a revision petition, if the impugned order is not found to be suffering from any arbitrariness, illegality or perversity so as to warrant any interference there from this court. While exercising the revisional powers this court does not find any reason to interfere in the well reasoned order passed by the learned Trial Court. Also there is no illegality or infirmity in the impugned order rendered by the trial court and, therefore, the same is upheld. Consequently, the instant revision petition fails and the same is hereby dismissed."*

8. It is thus evident that all the aspects highlighted by the petitioner in the present case have been duly considered by both the Courts and they noticed that there is a complete lack of evidence in support of the



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allegations that had been levelled. Besides, the allegations stand corroborated from the evidence as well.

9. Legal Aid Counsel for the petitioner has not been able to refer to any evidence on the basis whereof the concurrent findings so recorded by the Courts could be held to be illegal, perverse or unsustainable.

10. Consequently, finding no error or illegality in the orders under challenge, the present petition is dismissed.

11. All the pending misc. application(s), if any, stand(s) disposed of.

(VINOD S. BHARDWAJ)
JUDGE

12.11.2025

Mangal Singh

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