



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

(128)

CRR-2546-2015(O&M)

DATE OF DECISION: 19.03.2026

Ajmer Singh through LRs.

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Gurcharan Dass, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.
Mr. S.S.Salar, Advocate,
with Mr. Hiten Chugh, Advocate,
for respondent no.3.

SUBHAS MEHLA, J (ORAL)

1. Present revision petition has been filed against the order dated 11.02.2015, passed by learned Additional Sessions Judge, Ludhiana, whereby the revision petition filed against the order dated 26.07.2013, passed by learned Judicial Magistrate Ist Class, Jagraon in criminal complaint titled as 'Ajmer Singh v. Nirbhai Singh and others', whereby the Court has summoned accused under Sections 323, 324, 295-A, 341, 148, 149 and 506 IPC, was allowed.

2. Brief facts of the case are that complainant, Ajmer Singh, filed a complaint against respondents no.2 and 3 and seven others alleging that on 14.10.2011 at about 11:00 AM, while returning from Court at Jagraon along with his son Davinder Singh and others, the accused persons intercepted them near a drain bridge; that the accused, armed with a knife and other weapons, wrongfully restrained him and assaulted him; that specific allegations including inflicting a knife injury on his finger, pulling his beard, removing his turban and 'gatra', and causing further injuries by giving fist



and kick blows; that the occurrence was witnessed by accompanying persons, who intervened and rescued him, whereafter the accused fled away from the spot; that he was taken to Civil Hospital, Jagraon for medical examination; that despite approaching the police authorities, no action was taken, compelling the complainant to file the impugned complaint. In preliminary evidence, Davinder Singh son of complainant Ajmer Singh (deceased) appeared as PW1 and Sukhdarshan Singh, an eye witness, appeared as PW2 and after going through the preliminary evidence, all the accused were summoned under Sections 323, 148, 149 and 506 IPC. Aggrieved against the said order, respondents no.2 and 3 had filed a revision petition before the Court of learned Additional Sessions Judge, Ludhiana, which was allowed vide order dated 11.02.2015. Hence, present petition has been filed.

3. Learned counsel for the petitioner contends that the private respondents had got FIR No.180 dated 14.10.2011 registered against the petitioner and others at Police Station City Jagraon, under Sections 323, 341, 294, 506 and 149 IPC; that the petitioner sought registration of cross case but the police did not do so and therefore, criminal complaint dated 27.02.2012 was filed in which summoning order dated 26.07.2013 was passed against the private respondents and others; that the private respondents challenged the said order by way of revision petition and the same was allowed vide judgment dated 11.02.2015; that the private respondents did not deserve to be discharged in view of provisions of Section 210 Cr.P.C and the complaint was to be tried along with the case registered on the basis of FIR.



4. Learned counsel for the respondents contends that the impugned order dated 11.02.2015 passed by the learned Additional Sessions Judge, Ludhiana is legal and justified and does not call for any interference; that FIR No.180 dated 14.10.2011 had already been registered at Police Station City Jagraon with respect to the same occurrence and the allegations levelled in the present complaint arise out of the very same set of facts. The complainant, instead of pursuing the remedies available in law within the framework of the said FIR, chose to file a separate criminal complaint, which amounts to abuse of the process of law; that the plea of the petitioners regarding non-registration of a cross-case does not entitle them to maintain a parallel complaint on identical allegations. The provisions of Section 210 Cr.P.C. are intended to avoid multiplicity of proceedings, and the learned Revisional Court has rightly appreciated this aspect while setting aside the summoning order; that the learned Magistrate, while passing the summoning order dated 26.07.2013, failed to properly consider the existence of the prior FIR and the material collected during investigation, and thus the order suffered from legal infirmity, which has been correctly rectified by the learned Additional Sessions Judge in exercise of revisional jurisdiction. Thus prayed that the present revision petition be dismissed.

5. Heard learned counsel for the parties and perused the record.

6. On perusal of the impugned order dated 11.02.2015, this court does not find any illegality or impropriety committed by the learned lower court while passing the impugned order. Learned lower court has rightly appreciated the facts of the case and gave its rational findings while setting aside the summoning order passed by the learned judicial magistrate



trial. The significant paragraph of the impugned order is reproduced as under:

“18. Though, the occurrence is alleged to be dated 14.10.2011, the complaint has been filed on 27.2.2012. The delay has been explained on the ground that complainant kept on approaching the police officials but they failed to take any action against the accused. However, there is nothing on record to suggest that any written complaint was moved by the complainant in the concerned Police Station seeking action against the accused. Perusal of lower court record further reveals that an FIR No.180 dated 14.10.2011 under Sec.323, 341, 294, 506, 149 IPC, P.S. City. Jagraon, was registered against the present complainant Ajmer Singh, his son Davinder Singh and alleged eye witnesses Sukhdarshan Singh on the statement of Jugraj Singh who has alleged attack on him by the present complainant party. While presenting challan in the said FIR, offence under Sec. 182 IPC has also been added in the said challan on account of a cross version alleged by the present complainant party, regarding the present occurrence which was found false during the course of investigation. In the said challan, it has been specifically detailed that a Board of Doctors was constituted to look into the injury alleged to have been suffered by Ajmer Singh on 14.10.2011 and it has been opined that said injury was a self suffered injury and the ML.R was false.

19. Thus, not only is the version of complainant, in the present case, a patently absurd and inherently improbable version, complainant has even failed to examine the Doctor to prove the MLR. On the other hand, there is the categorical opinion recorded by the Board of Doctors regarding the said injury on the person of complainant being self suffered injury.

20. Unfortunately, the learned trial Court has passed the impugned order in a most casual manner. The order in question is not only non speaking, no attention has been paid to the fact that despite the assailants being 9 in number, only one injury on the finger is alleged with no corresponding injury. The allegations made in the complaint are patently absurd and inherently improbable and the impugned order is an order based on no evidence and is thus capricious.”

The complainant's version qua the allegation of attack by the



natural course of action. The allegations seem to be absurd and improbable. Moreover, the doctor was also not examined by the complainant to prove MLR. Thus, the impugned order, the relevant paragraphs of which reproduced above, is a well reasoned order.

7. The Hon'ble Apex Court Court in case of ***Pepsi Foods Ltd. and Another v. Special Judicial Magistrate and Others [(1998) 5 SCC 749]***: has held as under:-

"28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused."

7.1 Hon'ble the Supreme Court in catena of cases has clearly held that summoning of an accused in a criminal case is a serious matter. It has been held that the order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. This Court held that the Magistrate is required to examine



the nature of allegations made in the complaint and the evidence, both oral and documentary in support thereof and as to whether that would be sufficient for proceeding against the accused. It has been held that the Magistrate is not a silent spectator at the time of recording of preliminary evidence before summoning the accused.

8. So far as the plea of the learned counsel for the petitioner, qua the compliance of the provisions of section 210 Cr.P.C., is concerned, same is not sustainable in respect of present factual matrix.

9. The ambit and scope of powers of revisional courts were discussed by Hon'ble Apex Court in *Amit Kapoor v. Ramesh Chander, 2012(4) RCR (Criminal) 377* wherein it was observed as under:

“... Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits. ...”

10. Keeping in view the above, no material irregularity, illegality or perversity has been pointed out in the impugned order warranting interference by this Court in exercise of its revisional jurisdiction. The arguments raised by learned counsel for the petitioner do not make out a case for restoration of the summoning order. Accordingly, finding no merit

in the present revision petition, the same is hereby dismissed.



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11. All pending misc. applications, if any, be also disposed of.

19.03.2026	(SUBHAS MEHLA)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No