

2026.PHHC:063830



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

101

CRM M-42242 of 2021

Date of Decision: 08.04.2026

Samoon

...Petitioner (s)

Vs.

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Dharamvir Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Sarfraj Hussain, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned judgment dated 25.08.2021 (Annexure P-1), passed by the Court of Additional Sessions Judge Palwal, the order dated 04.08.2021 (Annexure P-2), passed by the Court of Principal Magistrate, Juvenile Justice Board, Palwal, whereby the application under Section 216 Cr.P.C. filed by the present petitioner/complainant was ordered to be dismissed. (In a case arising out of FIR No. 181 dated 24.05.2018 (Annexure P-3) under Sections 147, 148, 302 IPC registered at P.S. Chand Hut, District Palwal).

2. Learned counsel for the petitioner contends that FIR (Annexure P-3) in the present case was registered on the basis of the

statement made by the present petitioner and the FIR has been reproduced below:-

“To, Chowki Incharge, Amarpur, sir it is submitted that I Samoon s/o Ramzan. On 23.05.2018 at about 07.30 p.m., my father Ramzan and other family members were attacked by 1. Shokeen s/o Zameel, 2. Zameel s/o Niwaj Khan 3. Sajid s/o Zamil, 4. Asif s/o Zamil, 5. Shoaib s/o Shokeen, 6. Amru s/o Gul Khan, 7. Salmudeen s/o Suleman, 8. Anjum w/o Salmudeen, 9. Saleem s/o Usman, 10. Haseena w/o Usman, 11. Jamila w/o Suleman, 12. Anish s/o Usman and they attacked by way of Lathis and Dandas on account of which my father Ramzan has died. Legal action be taken. I shall be grateful. Sd/- Samoon Applicant Samoon s/o Ramzan r/o Village Ghaghot, Tehsil Palwal, District Palwal, Haryana M.No. 99927-94242”.

3. Learned counsel for the petitioner submits that after the registration of the FIR, the statement of Majid, eye-witness, was also recorded. Even Majid was present at the spot and had suffered the injuries in the incident. Apart from that, his statement, the statement of another eyewitness, Sahid son of Ramjan (Annexure P-6), was also recorded by the police on 24.05.2018. Later on, the supplementary statement of the petitioner/complainant was also recorded on 25.05.2018 and he had submitted the detailed version of the entire occurrence to the police. He further contends that the post-mortem examination on the dead body of Ramzan (since deceased), was conducted at Civil Hospital, Palwal, and the following injuries were found on his person:-

“i. No signs of external injury seen on back, however on dissection of back extravasated blood seen in underlying

region of T12 to L2 vertebra region and L5-S1 vertebra region.

ii. On dissection of scalp, extravasated blood in underlying region seen on right temporal region, on further dissection, no evidence of body fracture seen.

iii. Faint reddish contusion seen on left side of anterior chest wall of size 4cm x 2.5cm below left nipple, on dissection extravasated blood seen in underlying region.”

4. Thereafter, the police sought the opinion of the doctor with regard to the nature of injuries and cause of death of Ramzan (since deceased) after receipt of histopathological report and chemical analysis report, the opinion regarding the cause of death was again obtained on 27.11.2018. After perusing of reports, Dr. Yatindra, M.O., Primary Health Center, Dhauj, had given the following opinion regarding the cause of death:-

“After going through the PMR vide No. YS/GHP/3/2018 dated 24.03.2018 the histopathology report and the chemical analysis report of the deceased Ramzan, I am of the opinion that cause of death in this case was Myocardial rupture as a sequel to acute Myocardial Infarction”.

5. The learned counsel submits that after taking the medical opinion, the police had presented the *challan* under Sections 147, 148, 323 and 506 (Annexure P-11) before the Juvenile Justice Board, Palwal. Even, the Juvenile Justice Board framed charges under Sections 147, 148, 323, and 506 IPC against the accused in the present case. At this stage, the petitioner/complainant moved an application under Section 216 Cr.P.C. for amendment of charge and prayed that the offence under Section 302 IPC be also made out in the present case and the accused may be charge-sheeted accordingly. However, vide the impugned order,

the Principal Magistrate, Juvenile Justice Board, dismissed the said application by passing an illegal order. The petitioner filed a revision petition before the Court of Sessions Judge, Palwal, however, vide the impugned order dated 25.08.2021 (Annexure P-1), the Court of Additional Sessions Judge, Palwal, dismissed the revision also by passing an illegal order.

6. I have heard learned counsel for the parties and perused the record carefully.

7. In the present case, from the post-mortem report (Annexure P-8), it is apparent that admittedly the minor and superficial injuries were suffered by Ramzan (since deceased). Even, the doctors had conducted detailed investigation in the present case with regard to cause of death. Ultimately, after analysis of histopathological report as well as the report of chemical examiner, the medical opinion was taken by the police and as per the said opinion, the cause of death in the present case was myocardial infarction as a sequel to acute myocardial infarction. Thus, this clearly shows that at this stage there was no evidence to show that the deceased had suffered external injuries on vital parts of the body which were sufficient to cause death in ordinary course of nature. Rather, the medical evidence clearly suggests that he had pre-medical conditions and the deceased had died due to myocardial infarction. Thus, both the Courts have correctly dismissed the application under Section 216 Cr.P.C. filed by the petitioner/complainant.

8. In view of the above discussion, finding no merits in the present case, the same is ordered to be dismissed.

9. However, in case in future any further evidence is produced by the prosecution to show that the death of Ramzan in the present case had occurred due to injuries caused by the accused, the prosecution would be at liberty to move the same application at a later stage also and the trial Court is expected to decide the said application on merits.

10. All pending applications, if any, are disposed off, accordingly.

08.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No