

(2011) 03 P&H CK 0407

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-6782 of 2011 (O and M)

Sewa Singh

APPELLANT

Vs

Jaswinder Singh

RESPONDENT

Date of Decision: March 4, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 323, 324, 325, 326

Hon'ble Judges: Daya Chaudhary, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Daya Chaudhary, J.

This petition has been filed u/s 482 Code of Criminal Procedure on behalf of Petitioner Sewa Singh for quashing of CrI. Complaint bearing No. 328 dated 15.7.2003 and summoning order dated 5th March, 2004 passed by JMIC, Kapurthala.

2. Learned Counsel for the Petitioner submits that the Petitioner has falsely been implicated in the criminal case and on the basis of that, he has been summoned for offence punishable under Sections 326, 324, 325, 323 IPC. Learned Counsel further submits that the matter in dispute is totally of civil nature and earlier also FIR No. 107 dated 11.6.2003 was registered against the Petitioner and the same was subsequently cancelled after thorough investigation by the police. The present complaint (on the basis of which summoning order has been passed) has been filed by the Respondent on the same allegations just to harass the Petitioner. Learned Counsel also submits that no offence is made out under Sections 326, 324, 325, 323 IPC.

3. Heard the arguments of learned Counsel for the Petitioner and have also gone through the complaint as well as summoning order.

4. Complainant Jaswinder Singh filed a complaint under Sections 326, 324, 325, 323 IPC against Petitioner-accused on the allegations that land of the complainant is adjoining to the land of the Petitioner-accused and he gave injuries with an intention to kill the complainant. After causing injuries, the accused ran away from the spot. The said incident was witnessed by Gurnam Singh, Gurdev Singh and Jasbir Singh. The complainant was taken to the hospital and he remained admitted there from 31.5.2003 to 19.6.2003. Statement of the complainant was recorded in the hospital and FIR No. 107 dated 11.6.2003 was registered u/s 326/323 IPC which was subsequently cancelled by the police after thorough investigation. The complainant filed complaint before the trial Court and the trial Court after recording statements of the complainant, other witnesses and on the basis of medical evidence of the complainant, summoned the accused-Petitioner under Sections 326/324/325/323 IPC. This petition has been filed for quashing of the complaint as well as summoning order mainly on the ground that the dispute is of civil nature and thorough investigation was conducted by the police and said FIR was cancelled. As per medical examination of the complainant, the following injuries were found on the person of the complainant:

1. Incised wound about 2.25 cm x 0.5 cm over the interior side of right lower leg about 7 cm below the knee joint, bleeding was present.

2. Multiple abrasion about 5 to 8 cm over the right scapular region.

5. Keeping in view the allegations made in the complaint, statements of the complainant as well as other eye-witnesses which are supported by medical evidence, no ground for interference in the summoning order dated 5th March, 2004 is made out. The petition being devoid of any merit is dismissed.