

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45384-2017 [O&M]

Date of Decision:- November 30, 2017

Sushila alias SeemaPetitioner
Versus
Ramesh Chand etc.Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gopal Sharma, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 482 of Code of Criminal Procedure is for quashing of order dated 09.07.2015 (Annexure P/3), passed by Judicial Magistrate 1st Class, Rewari whereby charge was ordered to be framed against the accused persons under Section 323 read with Section 34 IPC and under Section 294 IPC against Ramesh Chand, respondent No.1; and the order dated 24.08.2017 (Annexure P/5) passed by learned Additional Sessions Judge, Rewari whereby revision filed by the petitioner against the order, Annexure P/3, was dismissed.

2 Facts relevant for the purpose of decision of this petition; that on the basis of complaint filed by Sushila alias Seema, petitioner herein, charge was ordered to be framed against the accused persons under Section 323 read with Section 34 IPC and under Section 294 IPC against Ramesh Chand, respondent No.1. As per the petitioner, her husband is employed in Army and living separately from other family members. Her

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father-in-law, Ramesh Chand; mother-in-law – Smt. Sushila Devi; brother-in-law – Manish and wife of younger brother-in-law – Anjana Devi, respondents No.1 to 4 herein, used to quarrel with her. Her father-in-law used to abuse her under the influence of liquor. The accused persons criminally intimidated her. On 15.07.2014 at about 11.00 AM, accused quarreled with her. Her *dever* - Manish pressed her mouth and thereafter she fell unconscious. Police registered a case under Section 294, 323 and 34 IPC, however, as per the petitioner, offence punishable under Section 307 IPC is also made out against the accused persons.

3. Both the Courts below considered the matter and found that on the basis of medical opinion, no case is made out for commission of offence punishable under Section 307 IPC as the allegations against her father-in-law, Ramesh Chand is that he used to abuse her under the influence of liquor and her *dever* pressed her mouth and she became unconscious. The polygraph test of the complainant and accused was conducted at Forensic Science Laboratory (FSL), Madhuban and as per report from FSL, no meaningful result could be obtained from the polygraph test of the present petitioner.

4. Learned counsel for the petitioner contended that if the entire facts are taken into consideration coupled with medical evidence, offence under Section 307 IPC is also made out against the accused persons, but the Courts below have not considered this aspect.

5 Having considered the submissions made by learned counsel for the petitioner and appraisal of the record, this Court is of the considered view that both the Courts below have already applied their judicious mind while having look at the entire version as well as the

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medical evidence and result of polygraph test report of FSL, Madhuban and as there was no *prima facie* case to frame the charge under Section 307 IPC, the charge was rightly framed under Sections 323 read with Section 34 IPC against accused persons and under Section 294 IPC against Ramesh Chand, respondent No.1.

6. The present petition has no merit and the same stands dismissed *in limine*.

November 30, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned Reportable	Yes Yes
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