

**In the Court of Chavi Goel, HCS, Judicial Magistrate 1st Class, Jhajjar.**

**UID : HR 0377**  
**CIS No. : 02/18**  
**CNR No. : HRJR03-000039-2018**  
**Date of Insti. : 08.01.2018**  
**Date of Order : 16.02.2019**

Smt. Manju widow of Satyawar @ Satpal, R/o Village Gudda, Tehsil and District Jhajjar

...Complainant.

V E R S U S

- 1.Mangat Ram
- 2.Ramesh son of Dharam Singh
- 3.Pushpa wife of Mangat Ram
- 4.Imran son of Sukhbir
- 5.Anoop son of Kanwar Singh
- 6.Sushma wife of Anoop, R/o Village Gudda, Tehsil and District Jhajjar.

...Accused Persons.

**Complaint under Section 148, 149, 323, 325, 354, 452, 506 of IPC**

Present: Complainant with Sh. Mahender Singh Gulia, Advocate.

**ORDER :-**

This order of mine is on the point of summoning of the accused persons.

2. The brief facts of the complaint are that the complainant is the resident of Gudda Tehsil and District Jhajjar and is a widow lady and the complainant and accused persons are having a same khewat and the land near the village came into the share of complainant in oral partition. That in the land of the complainant about 2.5 Bigha land is acquired by Haryana Government and the compensation amount of the same is received by complainant and accused persons and other co-sharer as per their shares. After that acquirement the share in the favour of the complainant is decreased because the

**Chavi Goel**  
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compensation amount was also received by the accused persons as well as co-sharers and the accused persons have denied to give whole amount of compensation to the complainant despite the fact that the said acquired land was into the possession of the complainant. That on 18.05.2017 the son of sister of the complainant namely Ravinder, Surender @ Lalit sons of Krishan and Krishan son of Nanhe Ram were coming back from the fields then the accused persons have stopped them on the way and started to beat them. On the same day the MLR of Ravinder was conducted and the Ravinder also complaint about the same to the police but police did not take any action against the accused persons as the police has colluded with accused persons and with the husband of the Sarpanch and the matter was compromised, forcibly. That on 18.06.2017, a Panchayat was going to be held regarding the share in the land of the complainant against the share acquired by Government but on 18.06.2017 before the said Panchayat, accused persons forcibly trespassed into the house of the complainant and started to beat her. That accused Mangat Ram hit with iron pipe to Deepak son of Lakhi Ram in his head, Anoop hit punch on the eye of Deepak, Ramesh hit the back side of axe on the lumber area of Deepak and Pushpa hit jelly from the side of lathi on the left hand of Deepak and Sushma hit on the right hand of the complainant with Bitha due to that the index finger of the complainant was fractured. That the accused persons also beaten the children of complainant badly and when complainant called police from her phone then Lalit and Ravinder brought complainant and others to General Hospital, Jhajjar where Deepak was admitted and complainant was discharged after the treatment. That the MLR of Manju and Deepak also conducted on the same day that is on 18.06.2017. That on 19.06.2017 when Deepak was discharged from hospital, the accused persons again trespassed into the house of complainant and Mangat Ram hold her from back and Ramesh, with bad intention, pinched on the cheek of the complainant and misbehaved with her and also used abusive language. They also threatened her that if she takes legal

re-course then she would be harassed for the same. They again beaten them who were saved by Lalit and Ravinder and other respectable persons of the village. When the complainant went to police station to complaint about the accused persons then police did not listen them and 19.06.2017 police illegally confined Lalit, Ravinder and her brother Deepak in PP Dujana for three days and also beaten them. And after that the police also lodged an FIR no. 487 dated 20.06.2017 under Sections 148, 149, 323, 452 and 506 IPC against them. On 22.06.2017 those were produced before Learned JMIC and when Learned JMIC was apprised about the fact that they were in the police custody since last three days then the Learned Court scolded the police officials and warned them to careful in future and then on 23.06.2017 Lalit, Ravinder and Deepak were bailed out. On this the police officials became angry and they filed challan in the said FIR not only in Section 323 IPC but in Section 326 IPC and on 15.08.2017 complainant, Ravinder and Krishan were arrested by the police and on 16.08.2017 they were produced before Learned CJM, where their bail application was dismissed on 18.08.2017 and the same was allowed by in the Court of Sh. Lal Chand, the then Learned ADJ, Jhajjar on 21.08.2017. That despite several requests the police has not taken any action against the present accused persons and the complainant is a widow and is scared for her life due to the bad intention of her brother-in-law Ramesh and Mangat Ram and till 05.01.2018 police had not taken any action against the accused persons so the present complaint.

3. I have heard the arguments advanced by learned counsel for the complainant at length and have examined the material available on the record. I have also considered the submissions made meticulously.

4. In preliminary evidence the complainant has examined herself as CW1, Sh. Deepak son of Lakhi Ram has appeared as CW2, Sh. Surender @ Lalit has appeared as CW3, Sh. Krishan son of Nanhe Ram has appeared as CW4, Ravinder son of Krishan

has appeared as CW5 and Dr. Aditya Kumar has appeared as CW-6.

5. Following documents have been tendered in the preliminary evidence:-

Ex. C1 MLR of Ravinder dated 18.05.2017

Ex. C2 MLR of Manju dated 18.06.2017

Ex. C3 MLR of Deepak dated 18.06.2017

6. Thereafter complainant has closed the preliminary evidence vide his separately recorded statement dated 28.11.2018.

7. CW1 namely Manju (complainant) stepped in the witness box and deposed on the lines as detailed in the complaint.

8. CW2 namely Deepak appeared into witness box and deposed that since last three years he is residing with his sister Manju widow of Satyawan in the Village Gudda and he also deposed on the line of the complaint in totality and also deposed that on 18.06.2017 when the accused persons trespassed into the house of the complainant and beaten them, then their MLR was conducted at Civil Hospital Jhajjar. He also deposed that on the next day, that is on 19.06.2017, again the accused persons trespassed into their house and misbehaved with his sister Manju and also threatened them and he prayed that the strict action must be taken against the accused persons.

CW3 namely Surrender appeared into witness box and deposed that on 18.5.2017 when he and his brother Ravinder and father Krishan were coming back from the fields then accused persons stopped them and beaten them and also threatened them to kill. He also proved his MLR Ex.C1 conducted in Civil Hospital Jhajjar on 18.05.2017. He also deposed on the line of the complaint and corroborated the evidence of the complainant and prayed that the strict action should be taken against the accused persons.

CW4 namely Krishan appeared into witness box and deposed that his khewat is common with the khewat of complainant and the oral partition had occurred

between them in which the land adjacent to village came into share of the complainant which she was cultivating herself. Further he also deposed on the line of the complaint and corroborated the version of the complainant. He also prayed that the strict action should be taken against the accused persons.

CW5 namely Ravinder appeared into witness box and deposed that the complainant and accused persons have the common khewat and in the oral partition land adjacent to the village came to the share of complainant. Further he also deposed on the line of the complaint and proved his MLR Ex.C1 dated 18.01.2017 conducted in Civil Hospital Jhajjar and also deposed that police has not taken any action against the accused persons so the strict action must be taken against the accused persons.

CW-6 Dr. Aditya Medical Officer General Hospital, Jhajjar appeared into witness box and deposed that on 18.06.2017 he conducted the medico legally examination of Deepak and Manju. He further proved the MLR of Deepak son of Lakhi Ram Ex.C3 which bears his signatures and MLR of Manju Ex.C2 which also bears his signature. He also deposed that the patients came to him with alleged history of physical assault at village Gudda on 18.06.2017 at about 5:15 PM. He also deposed that the injuries suffered by patient Deepak were kept under observation for ortho and eye surgeon opinion and he was admitted for specialist opinion in hospital.

9. Thereafter the evidence on behalf of the complainant was closed by the complainant.

10. After hearing the rival contentions of learned counsel for the complainant Sh. M. S. Gulia, Advocate and on screening the record of file the court is of following observations:-

11. From the material available on the record, this court is of the considered opinion that the complainant has brought sufficient *prima facie* case on the file to summon the accused persons namely Sushma, Anoop and Pushpa for the commission of

offences punishable under Sections 323, 452 and 506 I.P.C. and to summons the accused persons namely Mangat Ram and Ramesh for the commission of the offences punishable under Sections 354, 452 and 506 I.P.C. as there is no allegation levelled against Imran son of Sukhbir so no prima facie case is made out against him. This court is of the thoughtful view that prima facie the essential ingredients of these offences are made out against the accused which are supported by MLRs. There seems to be apparent malafide intention on the part of the accused persons namely Mangat Ram and Ramesh, in order of causing hurt and assault to the complainant Manju by trespassing into her house. Further it is specifically stated by complainant and other complainant witnesses that while on the spot, the accused threatened the complainant disrobe her and to not to leave her of any purpose. The same version was also reiterated by the complainant when she stepped into the witness box as CW-1 in preliminary evidence.

12. The ratio of the authorities discussed below are also helpful for summoning the accused persons for commission of offence, herein. In **M/s Lilly Hire Purchase Pvt. Ltd. Jalandhar Vs. Darshan Lal 1997 (1) RCR 580,** the Hon'ble Punjab and Haryana High Court has held that when a person files a complaint and supports it by oath rendering himself liable to prosecution and imprisonment in case same is found to be false, he is entitled to be believed, unless there is some apparent reason for disbelieving him and there being prima facie case on the basis of the evidence of the complainant, the Magistrate is competent to issue process under Section 204 Cr.P.C. Same principle was reiterated in **Ram Nath Vs. State of Haryana 1998 (2) RCR 626,** where again the Hon'ble High Court held that the Magistrate should summon the accused, if there is prima facie case against the accused and at the stage of summoning, the Magistrate is not required to examine whether complaint would end in conviction or not.

13. This court is of the considered opinion that there is sufficient material on the record of the case to summon the accused persons namely Sushma, Anoop and Chavi Goel  
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Pushpa for commission of offence punishable under Sections 323, 452 and 506 IPC and to the accused persons namely Mangat Ram and Ramesh for the commission of the offences punishable under Sections 354, 452 and 506 I.P.C. as there is no allegation levelled against Imran son of Sukhbir so no prima facie case is made out against him. The accused persons be summoned for 23.05.2019 on filing of P.F., copy of complaint, summons forms etc.

Pronounced in open court:  
16.02.2019

(Chavi Goel),  
Judicial Magistrate Ist Class,  
Jhajjar.

Note: This order contains 7pages and every page has been checked and signed by me.

(Chavi Goel),  
Judicial Magistrate Ist Class,  
Jhajjar.

Present: Complainant with Sh. Mahender Singh Gulia, Advocate.

Order announced. Vide my separate order of even date, accused persons namely Sushma, Anoop and Pushpa for commission of offence punishable under Sections 323, 452 and 506 IPC and to the accused persons namely Mangat Ram and Ramesh for the commission of the offences punishable under Sections 354, 452 and 506 I.P.C. as there is no allegation levelled against Imran son of Sukhbir so no prima facie case is made out against him. The accused persons be summoned for 23.05.2019 on filing of P.F., copy of complaint, summons forms etc.

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Judicial Magistrate Ist Class,  
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