

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16146-2024 (O&M)

Date of Decision: 03.04.2024

Sharda Devi & Anr.

... Petitioners

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Dr. Sumati Jund, Advocate for the petitioners

Mr. BS Virk, Sr.DAG Haryana

Sandeep Moudgil, J.

(1). This petition under Sections 482 CrPC has been filed by the petitioners seeking quashing of the FIR No.321 dated 11.10.2023 under Sections 147/149/323/452 IPC registered at Police Station Khol, District Rewari and all consequential proceedings arising therefrom including challan/final report under Section 173 CrPC dated 16.12.2023 presented under Sections 323/34/452 IPC.

(2). Learned counsel for the petitioners contends that the petitioners and respondent No.2 are close family relatives are living in adjoining houses since long. He submits that the respondent No.2 and her family members being dissatisfied with the partition/settlement of property deliberately enter into quarrel with the petitioners every now and then and in one of such incidents which occurred on 13.09.2023, wherein respondent No.2 and her family members physically assaulted the petitioners as is evident from the MLR dated 13.09.2023 (Annexures P2 to P4) depicting injuries suffered by the present petitioners and their 7 years' old minor son at the hands of private respondent.

(3). It is argued that the petitioners even made a complaint before the SHO, PS Khol, however, the matter was settled but since respondent No.2 was having grudge against the petitioners, they again entered into quarrel with the petitioners as a result of which petitioner No.1, who is 64 years' old, was brutally attacked causing multiple wounds with blunt weapon as per MLR dated 06.10.2023 (Annexure P7) due to which after various complaints, the police lodged DDR dated 05.12.2023 (Annexure P10).

(4). Heard learned counsel for the petitioners.

(5). Admittedly, the prosecution has submitted the final report/challan under Section 173 CrPC on 16.12.2023 against the petitioners only. A perusal of the challan would show that the X-ray report of the Sharda Devi – petitioner No.1 was obtained from the government hospital in which the doctor opined that there is no bone injury. So much so, it has also been recorded in the challan that the petitioners are the aggressive party who has confirmed that she has been in charge of defence.

(6). Even during investigation of the instant FIR, as per the MLR conducted of respondent No.2, the doctor has found three injuries with blunt weapon of which doctor has advised to undergo x-ray for one injury and the other two injuries have been opined to be of simple in nature.

(7). The dispute between the parties who are closely blood related family members living in separate houses, is with regard to closing the door of the petitioner which is on the front side and that of the respondent No.2 is on the back of the house of the petitioners. Even as per the averments made by the petitioners, both the sides have been fighting like stray dogs for years and that too over trivial matter relating to a common passage regarding which there is a

civil suit pending. These type of mutual tussle between members of two blood-related families is common if the same are veiled behind the four corners of the house but things take ugly turn when they enter into blood feud which is witnessed by one and all and confirms this fact though we have obtained various degrees and academic qualifications from convent and smart schools and colleges, however, without ingraining cultural and familial values, such knowledge is completely meaningless, useless and otiose and such unempathetic behavior brings us into the category of not better than animals.

(8). Both the petitioners and the respondent No.2 and her family members have inflicted injuries on each other; both the parties have lodged criminal prosecution and the same are pending trial and since they have been enjoying this fight since long and for that matter, it would not be appropriate for this Court to interfere in this petition as also the 'enjoyment' of the parties.

(9). Dismissed.

03.04.2024

V.Vishal

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

(Sandeep Moudgil)

Judge

Yes/No

Yes/No