



2026:HHC:19476

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.314 of 2024
Date of Decision: 25.05.2026

Rajesh

.....Petitioner

Versus

State of Himachal Pradesh

... Respondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Ms. Deeksha Thakur, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocates General with Mr. Ravi
Chauhan & Mr. Anish Banshtu, Deputy
Advocates General.

Sandeep Sharma, Judge(oral):

Instant petition filed under Section 482 Cr.P.C, lays challenge to order dated 14.03.2024 passed by learned Additional Sessions Judge-I, Solan, District Solan, Himachal Pradesh, in case No.12-S/10 of 2018, affirming the order dated 30.01.2018 passed by learned Chief Judicial Magistrate, Solan, District Solan, Himachal Pradesh, whereby private complaint having been filed by the petitioner-complainant under Section 200 Cr.P.C. for registration of case against accused under Section 307 of Indian Penal Code, came to be rejected.

¹Whether the reporters of the local papers may be allowed to see the judgment?



2. Precisely, the fact of the case as emerge from the pleadings as well as other material adduced on record by the respective parties are that on 01.06.2014 at around 10:30 p.m., while complainant Rajesh Gautam along his friend Narender Chauhan was present at Chambaghat motor market to pick up his vehicle, which he had allegedly given for repair work, he had a minor scuffle with three persons travelling in a white-coloured i20 car bearing registration No.HP-14B-0617, namely Shiven Chauhan, Karan Kohli and third unidentified person. Dispute *inter se* both the parties was resolved with the intervention of Ripu Daman, who is one of the shop owners in Chambaghat motor market. Allegedly Shiven Chauhan and his other friends while leaving the spot, extended threats to the complainant and after ten minutes, occupants of afore i20 car came back on the spot driving their car in a rash and negligent manner with the intention to kill the complainant as well as three persons standing on the spot. All the three persons including complainant were hit head-on by the afore car, resulting into serious injuries. Afore vehicle did not stop and ran towards Shimla. However, nearby shop owners helped all the three injured to get into a car and they were taken to a hospital at Solan, where they were medically examined. The left leg of one person, namely Narender Chauhan, was found fractured, while the other two sustained bruises and abrasions on their bodies.



3. Police after having taken note of aforesaid incident, lodged FIR against the occupants of i20 car, namely Shiven Chauhan, Karan Kohli and others under Sections 279, 337, 506 and 34 of Indian Penal Code. Since complainant was not satisfied with the investigation conducted by the Investigating Officer, he filed private complaint under Section 200 Cr.P.C, praying therein for registration of case against the accused under Sections 307 of Indian Penal Code. In afore complaint, it came to be specifically averred at the behest of the complainant that injuries suffered by him as well as Narender Chauhan were not on account of rash and negligent driving of the accused, rather same were caused on account of attempt made by the accused to kill and crush them under their vehicle. Learned Chief Judicial Magistrate, Solan, after having recorded the statements of the complainant as well as two persons namely Rajesh Gautam and Ripu Daman, rejected the complaint and arrived at a conclusion that no case much less under Section 307 of Indian Penal Code is made out against the accused.

4. Being aggrieved and dissatisfied with the aforesaid order passed by the learned Chief Judicial Magistrate, Solan, complainant filed revision petition before learned Additional Sessions Judge-I, Solan, District Solan, Himachal Pradesh, but same was also dismissed vide order dated 14.03.2024. In afore background,



petitioner-complainant has approached this Court in the instant proceedings, praying therein to set aside the aforesaid orders passed by Courts below and order registration of case against the accused under Section 307 of Indian Penal Code.

5. Precisely, the grouse of the petitioner-complainant, as has been highlighted in the petition and further canvassed by Ms. Deeksha Thakur, learned counsel representing the petitioner-complainant, is that both the courts below have committed grave error, while appreciating the evidence adduced on record by the petitioner-complainant with regard to attempt allegedly made by the accused to do away with his life as well as the lives of the three persons present at the spot. Ms. Deeksha Thakur, learned counsel for the petitioner-complainant argued that both the Courts below wrongly placed heavy reliance upon the MLCs adduced on record by the police suggestive of the fact that in accident, complainant and other two persons had suffered minor injuries. She submitted that to invoke Section 307 of Indian Penal Code, nature of injuries may not be relevant, rather intention of accused is of paramount importance. She submitted that in the case at hand, there is ample evidence on record to suggest that accused, after having left the spot of dispute for once, returned with the intention to kill the complainant as well as his friends, as such, there was no occasion, if any, for the both the courts



below to return a finding that no case much less under Section 307 of Indian Penal Code was made out.

6. Having heard learned counsel for the parties and perused material available on record vis-a-vis reasoning assigned in the impugned order dated 14.03.2024 passed by learned Additional Sessions Judge-I, Solan, District Solan, Himachal Pradesh, affirming order dated 30.01.2018 passed by the learned Chief Judicial Magistrate, Solan, District Solan, Himachal Pradesh, this Courts finds no illegality or infirmity in the same, as such, there is no scope of interference.

7. In the case at hand, as per own case of the petitioner-complainant, minor scuffle took place *inter se* him as well as accused at Chambaghat, but with the intervention of person namely Ripu Daman, dispute was resolved and thereafter, accused left the spot. Allegedly after ten minutes of the aforesaid settlement *inter se* parties, accused returned while driving i20 car and made an attempt to run over the petitioner-complainant as well as his friends, who at relevant time were standing outside the shops at Chambaghat. Though petitioner-complainant, with a view to prove his case that attempt was made by the accused to kill him as well as friends, examined himself as CW-2 and two witnesses namely Sanjay Sharma and Ripu Daman. All the aforesaid three persons in unison attempted to state that



accused returned to the spot of dispute with intention to kill the petitioner-complainant as well as person namely Narender Chauhan. As per testimony of the petitioner-complainant and his two other witnesses, some heated arguments took place between complainant party and the accused, but CW1 Ripu Daman intervened and the matter was resolved. I.20 car went away from the spot, but allegedly after ten minutes, it came back in a high speed with the intention to kill the petitioner-complainant and his friends while they were standing on the side of the road, as a result thereof, they suffered injuries. Allegedly Narender Chauhan suffered grievous injuries and sustained a fracture in his leg in the accident. Most importantly, afore person namely Narender Chauhan, who got fracture in his leg, never came to be examined. No medical evidence ever came to be adduced on record by the complainant to prove that Narender Chauhan had sustained a fracture in his leg.

8. To the contrary, court below sought report from police under Section 202 Cr.P.C of the incident, where it came to be transpired that Investigating Officer had registered an FIR No.110 of 2014 under Sections 279, 337, 336, 506, 34 of Indian Penal Code and Section 187 of Motor Vehicle Act. As per police report, petitioner-complainant, Narender Chauhan and Ripu Daman were medically examined by the Medical Officer, RH Solan, and the doctor concerned



opined that all the persons had suffered simple injuries. There is no evidence on record to establish that Narender Chauhan had suffered any fracture. MLC adduced on record by the police falsifies the claim of the petitioner-complainant that on account of rash and negligent driving allegedly done by the accused with the intention to kill the complainant, one of the friends of the complainant namely Narender Chauhan suffered fracture. No doubt, while registering case under Section 307 of Indian Penal Code, nature of injuries may not be of much relevance, rather intention and knowledge are of most important, but once very basis of complaint becomes doubtful on account of medical evidence adduced on record, no illegality can be said to have been committed by both the courts below, while rejecting the prayer made on behalf of the complainant for registration of case against the accused under Section 307 of Indian Penal Code. In case person namely Narender Chauhan had not suffered any grievous injury as is being claimed by the petitioner-complainant, there was otherwise no occasion for the petitioner-complainant to make wrong statement in the complaint that on account of rash and negligent driving allegedly done by the accused with intention to kill the complainant and his friends, above named person Narender Chauhan suffered fracture, rather he ought to have approached competent Court of law with clean hands, specifically stating therein that though



an attempt was allegedly made to kill them, but they had suffered minor injuries. Moreover, police carried out an investigation in the matter and thereafter FIR, as detailed hereinabove, was registered against the accused. Since accused was alleged to have extended threats of dire consequences, Section 506 of Indian Penal Code was also invoked. Since no evidence has been led that injuries sustained by the complainant were life threatening and there was intention, if any, at the behest of the accused made in the FIR to kill the complainant as well as his friends, no illegality can be said to have been committed by the courts below, while passing impugned orders.

9. Consequently, in view of the above, this Court finds no illegality or infirmity in the impugned order, as such, same is upheld. Present petition fails and is dismissed accordingly. Pending applications, if any, stand disposed of.

**(Sandeep Sharma),
Judge**

May 25, 2026
(sunil)