

CRM No.25000 of 2014 IN/AND
CRM-M-22424 of 2014 (O&M) &

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.25000 of 2014 IN/AND
CRM-M-22424 of 2014 (O&M) &
Date of Decision:27.03.2015

Naib Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Deepinder Brar, Advocate for the applicant in CRM No.25000.

Mr. Jai Bhagwan, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab for respondent No.1.

Mr. Navdeep Kalair, Advocate for respondent No.2.

NAVITA SINGH, J.

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1. The main petition was filed for quashing of FIR No.44 dated 10.4.2014 under Section 384 of the India Penal Code (IPC for short), Police Station Amargarh, which was registered on the complaint of Darshan Singh against the petitioners. Mohinder Singh-applicant requests for being impleaded as one of the respondents on the ground that he had also made a complaint to the police against the petitioners but separate FIR was not registered on the ground that the FIR against them already stood registered on the complaint of Darshan Singh for similar cause.

2. On the complaint of Mohinder Singh, enquiry was conducted and investigation was made and after finding material against the petitioners, charge sheet was put in court mentioning the allegations and material found against the petitioners in the complaint of Mohinder Singh as well. The applicant is now one of the prosecution witnesses.

3. In view of the above, the application is allowed and Mohinder Singh is impleaded as respondent No.3. Amended memo of parties stands filed, which be attached at the appropriate place.

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1. Darshan Singh, respondent No.2 had lodged FIR No. 44 dated 10.4.2014 under Section 384 IPC against the present petitioners for having duped him of Rs.40,000/-. He has now entered into compromise with them and submits that he has no objection if the FIR is quashed.

2. Mohinder Singh, respondent No.3 as also the State, have serious objection to that because on a complaint made by respondent No.3, sufficient material was found against the petitioners for having blackmailed Mohinder Singh, who was forced to pay Rs.2,00,000/- as certain photographs had been clicked by the petitioners after intoxicating respondent No.3.

3. When complaint was filed by Mohinder Singh, separate FIR was not registered against the petitioners for the reason that the present FIR was already stood registered and the matter could be enquired into under that.

4. Counsel for the petitioners submits that the police should have lodged a separate FIR on the complaint of Mohinder Singh and since in the present FIR, dispute was only between the petitioners and complainant Darshan Singh, the compromise should be carried into action.

5. It may, however, be said that if the police had not registered a separate FIR on the request/complaint made by Mohinder Singh and this FIR is quashed, then Mohinder Singh does not get justice from any quarter.

6. Since counsel for the petitioners submitted that on the complaint of Mohinder Singh separate FIR should have been registered

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against the petitioners, a query was put that if the FIR should go on the statement of Darshan Singh is quashed, then a separate FIR should be registered against the petitioners on the complaint of Mohinder Singh, to which he replied in the negative. It would not be expedient in the interest of justice to quash the present FIR as the complaint made by Mohinder Singh would then die its death as the FIR is based on the complaint made by Darshan Singh as also complaint made by Mohinder Singh.

7. In view of above, the petition is dismissed.

(NAVITA SINGH)
JUDGE

27.03.2015
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