

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-15562 of 2016 (O&M)****Date of Decision: May 09, 2016**

Sandeep Kumar

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Baldev Singh Dhillon, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents for quashing of FIR No.4 dated 02.01.2014 under Sections 148, 149, 323, 452, 506 and 427 IPC registered at Police Station Karnal City, District Karnal, along with all subsequent proceedings qua the petitioner.

Learned counsel for the petitioner argued that challan has already been presented by the prosecution on 30.01.2014. He also argued that charges have not been framed. He further argued that present petitioner is a student and he has been falsely implicated in this case.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the FIR and the record shows that in the FIR, it is stated by the complainant Satya Devi that on 02.01.2014 in

the afternoon at about 3.00 p.m., Atma Ram Baba came along with 25-30 gunda type persons in Tata Sumo and Balero vehicles armed with swords, guns, lathies and hockeys and immediately on reaching, started beating the complainant and her son and daughter and demolished the constructed house after entering into the house. Atma Ram Baba gave kick blows to the complainant and her daughter and said that they are constructing the house without his permission, so they will be taught a lesson for that. The numbers of the vehicles on which accused had come, have also been mentioned. As per the report under Section 173 Cr.P.C, which was shown to this Court by learned counsel for the petitioner, on receiving secret information, police raided places where they arrested accused from two vehicles including the present petition and two dandas were also recovered.

At this stage, this Court, in no way, can held that petitioner has been falsely implicated in this case. This fact is to be determined by the trial Court on the basis of the evidence produced by the parties, as to whether the version of the prosecution is correct or whether the defence version is correct. At this stage, in no way, it can be held that registration of present FIR is abuse of process of law or amounts to miscarriage of justice nor it can be held at this stage that no offence is made out against the present petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

May 09, 2016
Vgulati

(INDERJIT SINGH)
JUDGE