

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-2027 of 2015 (O&M)
Date of Decision: October 22, 2016**

Gurmeet Singh Dhillon

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner-in-person.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.L.S.Mann, Advocate
for respondent No.2 and 3.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.69 dated 18.11.2013 under Sections 182, 509 and 500 IPC registered at Police Station Ghanie Ke Bangar, District Batala, being abuse of the process of law.

Notice of motion was issued and learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and contested the petition.

From the record, I find that in the present case, FIR has been got registered against Gurmeet Singh present petitioner on the allegations that he has levelled false, frivolous, characterless and obnoxious allegations

against the complainant, who has retired as Inspector from BSF. It is stated by the complainant that they are three brothers. After retirement in the year 2004, he along with his family has been living in his village and doing his agricultural work. His younger brother Kuldeep Singh is illiterate and both of them are living jointly and during his service period, his third younger brother Gurmeet Singh was cultivating his land. It is also the case of the complainant that after his retirement, Gurmeet Singh was not leaving the possession of his land and only due to police action, Gurmeet Singh had to vacate the possession. Earlier, accused Gurmeet Singh was serving in Amritsar/Gurdaspur Graming Bank as Manager, but on the cause of bribery, he was dismissed from the service. On 20.05.2012, accused in full drunken condition, blocked the complainant in the way and started scuffling with him and complaint was lodged against him in Aliwal Police post. On that complaint, Head Constable Kulwant Singh sent his information and asked the accused to come in police post. Only with this reason, he levelled such characterless allegations upon them that Kulwant Singh has illicit relations with complainant's wife Sandeep Kaur. On 22.05.2012, he lodged a complaint before the SSP which was marked to DSP Kirpal Singh for enquiry. However, SHO, in connivance with Gurmeet Singh, recorded the partial statements and handed over to DSP and the DSP also agreed with the report of the SHO and forwarded the same to the SSP. SSP Batala, agreed with the report and dropped the allegations of sexual trade on him and considering to be false, agreed with the allegations that Head Constable Kulwant Singh and Sandeep Kaur are in illicit relations with each other. It is further requested that FIR against Gurmeet Singh may be lodged on the basis of complaint dated 25.10.2012 or any independent enquiry be marked

to any senior officer. This complaint was sent to DGP, Punjab, Chandigarh, on the basis of which FIR was registered.

At the time of arguments, the petitioner, who has argued his case in person, mainly argued for quashing of the FIR only on one ground that he has not levelled any false allegations and whatever he has written in his complaint regarding the fact that complainant's wife Sandeep Kaur is having illicit relations with Head Constable Kulwant Singh, is correct and true. He also argued that when the allegations are true, even found true by the DSP, then the FIR should be quashed.

On the other hand, learned counsel for respondents No.2 and 3 argued that this is defence of the present petitioner, which is to be led before the trial Court and is to be proved by bringing evidence. At this stage, the defence cannot be pleaded and relied upon without any evidence and FIR cannot be quashed by this Court.

I have heard petitioner-in-person, learned State counsel as well as learned counsel for respondents No.2 and 3 and have gone through the record.

The perusal of the record shows that challan has already been presented but charges have not been framed so far. The fact, whether the allegations levelled by present petitioner regarding character of complainant's wife are true or false, are to be determined by the trial Court on the basis of the evidence to be produced before the Court. Without any evidence produced by the present petitioner, in no way, it can be held that these allegations are true. The finding of fact is to be given by the trial Court on the basis of the evidence produced before it. At this stage, there is

nothing on the record, from which it can be held that registration of the

present FIR is nothing but abuse of process of law or amounts to miscarriage of justice.

In view of the above discussion, I find that no ground is made out for quashing of the FIR. Therefore, finding no merit in the present petition, the same is dismissed.

October 22, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No