

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25377 of 2015

.....

Date of decision:17.2.2016

Fateh Mohammad and another

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Partap Singh, Advocate for the petitioners.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Tribhawan Singla, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying
for quashing of FIR No.345 dated 18.12.2014 (Annexure-P.1) registered for
the offences under Sections 341, 506, 34 and 120-B IPC at Police Station
Ellnabad, District Sirsa qua the petitioners being false, frivolous and abuse
of process of law.

Notice of motion was issued in this case.

Mr. Brijesh Sharma, learned Assistant Advocate General,
Haryana has put in appearance on behalf of the respondent-State and Mr.
Tribhawan Singla, learned Advocate has appeared for the complainant-
respondent No.2 and contested this petition.

I have heard learned counsel for the parties as well as learned Assistant Advocate General, Haryana for the respondent-State and have gone through the record.

From the record, I find that the challan under Section 173 Cr.P.C. has already been presented after the completion of investigation. The charges have not been framed so far.

Learned counsel for the petitioners only argued on one point that earlier Raj Kumar-father of private respondent No.2 used to file cases against the petitioners and now respondent No.2 Ankit Kumar son of Raj Kumar has lodged this FIR on the basis of false facts. He argued that in the year 2011 Raj Kumar father of the complainant of the present case got lodged a false case in which petitioner No.1 was found innocent by the Police and cancellation report was filed. Thereafter, Raj Kumar again got lodged another false case under Sections 7 and 15 of the Prevention of Corruption Act, which was also found false against petitioner No.1. Another case for the offences under Sections 420, 467 and 468 IPC etc. at Police Station Mour, District Bathinda was lodged against petitioner No.2. One more case was got registered at Police Station Nohar, District Hanumangarh and the matter is pending in the High Court of Rajasthan at Jodhpur. Learned counsel for the petitioners only argued that this is a false case and no such occurrence ever took place.

On the other hand, learned State counsel as well as learned counsel for respondent No.2 contested this petition and stated that it is only the trial Court, which is to decide whether the allegations are proved by the

prosecution by bringing cogent evidence or not. In the petition for quashing as there is no such evidence, therefore, the FIR cannot be quashed.

From the record, I find that as after the completion of investigation, challan has already been presented and the petitioners are not found innocent, therefore, at this stage, from the record I find that there is nothing to show that this FIR has been falsely registered. The fact whether the occurrence took place as stated by the complainant or not it can only be determined after the parties will lead evidence before the trial Court. Therefore, as there is no such material from which it can be held, at this stage, without any evidence that this is a false case, hence the FIR cannot be quashed.

Therefore, from the above discussion, I find no merit in this petition and the same is dismissed.

February 17, 2016.

(Inderjit Singh)
Judge

hsp