

CRM No. M-3481 of 2015
DECIDED ON: AUGUST 24, 2016

.....PETITIONERS

VERSUS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Chhina, Advocate
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Dilpreet Singh, Advocate for
Mr. A.S. Sivya, Advocate
for respondent No.2.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 482 Cr.P.C., petitioners have sought the quashing of FIR No. 9 dated 24.01.2011 under Sections 341, 353, 186, 506, 283 and 120-B IPC registered at Police Station Sadar, Ludhiana, District Ludhiana alongwith all subsequent proceedings arising therefrom in view of judgment (Annexure P-1) passed by this Court wherein, FIR and proceedings arising therefrom were quashed qua the co-accused namely Naresh Bansal of the petitioners.

The first and foremost question which requires determination in the instant case is whether report under Section 173(2) Cr.P.C is competent and can be proceeded with, where no complaint under Section 195 is required. Offences under Section 186 and 353 IPC are arising out of the same occurrence and can

be safely concluded that trial Court cannot competent to take cognizance of any of the offences under Sections 186 and 353 IPC. Thus, in such circumstances if the trial Court is allowed to proceed, petitioners cannot be convicted as the trial Court is lacks of jurisdiction.

Concededly, FIR qua the co-accused namely Naresh Bansal on the similar set of allegations and law point involved has already been quashed vide order dated December 09, 2014 passed in CRM No. M-44074 of 2013. So on the ground of parity, instant petition deserves to be allowed and FIR in question deserves to be quashed.

Accordingly, instant petition is allowed and FIR No. 9 dated 24.01.2011 under Sections 341, 353, 186, 506, 283 and 120-B IPC registered at Police Station Sadar, Ludhiana, District Ludhiana alongwith all subsequent proceedings arising therefrom, are quashed qua petitioners.

AUGUST 24, 2016
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(JASPAL SINGH)
JUDGE

Whether	Speaking/Reasoned	Yes/No
Whether	Reportable	Yes/No