

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-37794 of 2015 (O/M)
Date of decision : 6.1.2016

Nawal Kishore

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.P. Singh Luna, Advocate, for the petitioner.

Mr. Ashish Sanghi, Deputy A.G. Punjab.

Ms. Sumanjit Kaur, Advocate, for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 79 dated 20.4.2012, registered under Sections 294/341/506 IPC at Police Station 'E' Division, District Amritsar. It is stated that the complainant has compromised with the accused. Therefore, the FIR in question be quashed.

I have heard the learned counsel for the petitioner, the learned State counsel, the learned counsel for respondent No. 2 and have also carefully gone through the file.

It comes out that in the complaint, it is alleged that the accused, who is of SHO rank and was in police uniform, under the

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influence of liquor, was abusing the shopkeepers of the market and when they tried to stop him, he started threatening to kill all of them and also pushed them away. He also gave filthy abuses to Akali and BJP leaders. He also abused media persons and Commissioner. On the request of the complainant, the accused was got medically examined.

The reply filed by the State shows that cancellation report submitted before the learned Judicial Magistrate 1st Class, Amritsar, has been rejected on the ground that offence under Section 294 IPC is non-compoundable.

The facts and circumstances of the case show that the complainant is not the only aggrieved person. The other shopkeepers, Akali and BJP leaders present at the spot, media persons and Commissioner were also aggrieved of the behaviour of the petitioner in public. As such, keeping in view the facts and circumstances, there is no ground to quash the FIR in question. Let the petitioner face the trial and the matter be decided on merits.

Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

6.1.2016
sjks