

CRM-M-42368-2016

Date of Decision : 12.12.2016

Harpreet Singh @ Goldy

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Sandeep Arora, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

This is a petition for quashing of FIR No. 116 dated 03.10.2013 under Sections 452, 323, 379 and 34 IPC registered at Police Station Goraya, District Jalandhar *inter alia* on the ground that the petitioner has been falsely implicated as is apparent from the statements of four prosecution witnesses already examined.

With reference to the ocular and medical evidence produced on record, learned counsel for the petitioner submits that there are glaring admissions by the prosecution witnesses regarding the identity of the petitioner. He has argued that the culprit who assaulted the complainant has been stated to be Goldy @ Gurpreet Singh who happens to be a brother of the petitioner. He has also submitted that an application under Section 319 Cr.P.C was filed to summon the said

Goldy as an additional accused. The said application under Section 319 Cr.P.C has been dismissed by the trial Court.

I have heard learned counsel for the petitioner at length, gone through the statements of the witnesses and perused the allegations against the petitioner. The request of the petitioner is that on appreciation of the evidence produced on record, taking into consideration the apparent contradictions in the ocular version which is allegedly not supported by the medical evidence, this Court should exercise the inherent powers under Section 482 Cr.P.C to quash the criminal proceedings.

I am of the considered opinion that such a power can be exercised by the trial Court on appreciation of evidence to give benefit of doubt to the petitioner and acquit him on merits.

I have also considered the contention of the learned counsel for the petitioner that he is a student and is being harassed on account of the pendency of the trial. The appreciation of the evidence and passing an order of quashing instead of relegating the petitioner to avail the proper remedy i.e. seeking acquittal on the basis of the elements of doubt which has already come into existence, is not permissible under the inherent powers.

This petition is disposed of as not maintainable. However, a direction is issued, in the interest of justice, equity and fair play, that the trial Court shall make an earnest endeavour to conclude the trial within a period of two months after the next date of hearing fixed before

the trial Court. All the pleas, taken by the petitioner before this Court, may be taken at an appropriate stage.

(M.M.S. BEDI)
JUDGE

12.12.2016
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No