

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

CRM No. M-9195 of 2015.

Date of Decision: 26.09.2016.

Jaswinder Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. A.K.Khunger, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

None for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

The respondent No.2 has been served but despite service, he has not come present before this Court.

This is a petition under Section 482 Cr.P.C for quashing of FIR No. 171 dated 31.10.2013 (Annexure P-1) registered under Section 15 of NDPS Act at Police Station City, Fazilka and order dated 16.02.2015 passed by Judge, Special Court, Fazilka (Annexure P-4) vide which the Court did not accept the cancellation report.

Learned counsel for the petitioner contends that house of the petitioner was raided in the morning by the Police party which is corroborated from the inquiry report which shows the tower location of the raiding party in the vicinity of the house of the

petitioner. In the evening, the petitioner was taken to the Police Station without any narcotic substance. However, to conceal their illegal act and to frame the petitioner and her husband in the present case, an FIR was registered that during patrolling, the petitioner along with her husband was seen coming on a motorcycle. The petitioner and her husband tried to run away. A detailed inquiry was conducted by Superintendent of Police (Headquarters) wherein the factum of the police party being in the locality of the petitioner in the morning was made out whereas, the presence of the police party at the place of recovery was not established. Accordingly, the cancellation report was prepared by SP(H) and the same was approved by the Senior Superintendent of Police, Fazilka vide Annexure P-2. However, the same could not be accepted on raising protest by respondent No.2.

The Court is of the considered opinion that once the Senior Superintendent of Police had approved the inquiry report after consideration of all the relevant material negating the factum of arrest of the petitioner from the spot, the trial Court erred in entertaining the objections raised by ASI Amarjit Singh, respondent No.2. The petitioner is a household lady and not involved in any other FIR, therefore, the FIR does not inspire any confidence and accordingly, the report of Superintendent of Police (Headquarters) duly approved by the Senior Superintendent of Police, Fazilka is accepted and the FIR in question is quashed, qua the petitioner. Accordingly, all the

consequential proceedings arising therefrom are also quashed and the impugned order (Annexure P-4) is set aside, qua the petitioner only.

The petition is allowed accordingly.

26.09.2016
SN

(JITENDRA CHAUHAN)
JUDGE

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