

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-16501 of 2018

Date of Decision: April 21, 2018

Narinder Pal Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Rohit Kapoor, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

The petitioners seek quashing of FIR No. 0024 dated 21.03.2017 registered at Police Station, Division No. 8, Ludhiana under Section 379-B read with Section 34 IPC and Section 25 of Arms Act, 1959.

Perusal of the FIR shows that the car of the complainant was snatched at gun point. He also lost his mobile phone and cash in the same incident. Subsequently, Yadavinder Singh @ Yadu son of Tej Pal was arrested while driving the car which was the subject matter of the snatching. He named the petitioners apart from others as persons involved in the crime.

Learned counsel for the petitioners submits that the petitioners are students of Engineering and have no criminal antecedents at all. They have been falsely implicated by aforementioned Yadavinder Singh @ Yadu because they had an unfortunate run in with him in College, even though Yadavinder Singh @ Yadu was not a student of the said College. It is also submitted that the false implication is apparent from the record because the story put forth by the complainant is not corroborated by the alleged disclosure statement of Yadavinder Singh @ Yadu.

Inter alia, there were three persons who had committed the offence of snatching as

per the information of the complainant and all three were clean shaven persons

whereas as per statement of Yadavinder Singh @ Yadu more than ten persons are involved. The petitioners are keshdhari sikhs and this alone is sufficient to show that Yadavinder Singh @ Yadu has falsely and maliciously implicated the petitioners.

I have heard learned counsel for the petitioners at length but I am not impressed with his arguments.

It is settled law that an FIR can be quashed only under two circumstances:-

- (a) A perusal of the FIR itself does not reveal the commission of an offence.
- (b) The registration of the FIR amounts to an abuse of process of law.

Neither of these conditions exist in the present case. Once the petitioners have been named by the alleged main accused it can not be said that the bare perusal of the FIR does not reveal the commission of any offence by them. The allegations of false implication can only be gone into at the time of trial. The alleged discrepancies between the statement of the complainant and Yadavinder Singh @ Yadu can also not be gone into at this stage. In case the trial Court comes to the conclusion that the disclosure statement of Yadavinder Singh @ Yadu is false the petitioners will be acquitted. Even the fact that the complainant stated that there were three accused and all of them were clean shaven as opposed to the fact that the petitioners are keshdhari sikhs and about ten persons have been named by Yadavinder Singh @ Yadu is of no consequence because all the issues are matters of evidence. More people being involved in this case than the number mentioned by the complainant could also be on account of information revealed about other persons known to be involved in similar offences.

Thus, there is no merit in this petition and the same is dismissed.
However, it is made clear that anything stated hereinabove will not be construed as an expression of opinion on the merits of this case.

April 21, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No