

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-30125-2018

Date of Decision: July 19 , 2018

Nirvair Singh and another

.....Petitioner(s)

versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioners.

Sudhir Mittal, J. (Oral)

Learned counsel for the petitioners submits that in respect of the present FIR, the Police has filed untraced report, which has been wrongly rejected by the trial Court vide order dated 17.04.2018 (Annexure P-6).

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent-State. Let two copies of the complete paperbook be supplied to him during the course of the day. Mr. Shivender Pal Singh, Advocate, puts in appearance on behalf of respondents No. 2 and 3. He submits that he has no objection in case the FIR No. 148, dated 23.07.2017, registered at Police Station Dharamkot, is quashed.

A perusal of the FIR referred to hereinabove shows that the same was registered on the statement of respondent No.2. She had disclosed to the Police that respondent No.3 (her son) had told her that he had been assaulted by the petitioners and others. A perusal of the record further shows that initially the

aforementioned FIR was registered under sections 307/323/148/149 IPC and after investigation, the aforementioned sections were deleted and were replaced by sections 279/337/338/427 IPC. It thus, appears that respondent No.3 suffered injuries on account of an accident but the persons, who caused the accident, could not be traced and the complainant is not aggrieved by this.

In view of the above, order dated 17.04.2018 (Annexure P-6), is set aside and FIR No. 148, dated 23.07.2017, under sections 307/323/148/149 IPC, (later on sections 307/323/148/149 IPC were deleted and sections 279/337/338/427 IPC were added) registered at Police Station Dharamkot, is hereby quashed.

July 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No