

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-9592-2018

Date of Decision: March 07, 2018

Poonam Kansra and others

.....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Pankaj Maini, Advocate
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners seek quashing of FIR No.11, dated 12.01.2018, registered at Police Station City Barwala, District Batala, under Sections 452, 323, 324, 148, 149, 354 IPC (later on Sections 452 and 354 IPC deleted).

2. Learned counsel for the petitioners submitted that a complaint dated 06.01.2018 (Annexure P-1), was submitted by the husband of petitioner No. 1 against the complainants regarding attempt to set their house on fire. Thereafter, the statement of petitioner No.1 was recorded on the same date. While, petitioner No.1 was at the Police Station, she received a phone call from her husband that a mob had gathered outside of their house and was threatening his life and property. She asked the police to take her home along with escort and the same was provided. On reaching home, the mob comprising of the complainant party and others attacked her and ransacked the house. Petitioner No.1 suffered injuries and MLR in this regard dated

07.01.2018 (Annexure P-3) has been prepared. Despite this incident, the police has registered FIR No.11, dated 12.01.2018 (Annexure P4), against the petitioner and her two sons whereas, on the statement of petitioner No.1, only cross-case has been registered. Thus, the submission is that the incident in which the petitioners are the alleged accused, never took place and the registration of the FIR is an abuse of the process of law.

3. With the assistance of learned counsel for the petitioners, I have gone through the record of this case. The complainant party as well as the petitioners have complained against each other and on the basis thereof, an FIR and cross-case have been registered. On inquiry, the Police has come to the conclusion that no house trespass was involved and therefore, sections 452 and 354 IPC have been deleted from the FIR, registered against the petitioners. I do not see any illegality in the procedure adopted by the Police. The submission that incident mentioned in FIR No.11, dated 12.01.2018, is fictitious, cannot be accepted by me at this stage as only the trial will determine the correctness of the same. Presently, allegations levelled against the petitioners reveal the commission of an offence and the Police was justified in registering the aforementioned FIR.

4. Thus, no ground for quashing of FIR No.11, dated 12.01.2018, *ibid*, is made out. The petition is dismissed.

March 07, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No