

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

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CRM-M-1589-2019 (O & M)
Date of Decision:16.01.2019

Sanjeev Sarin

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimanyu Kalsy, Legal Aid Counsel
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Sanjeev Sarin has filed this petition for quashing FIR No.155 dated 16.06.2018 for the offences punishable under Sections 148, 149, 323 and 506 of the Indian Penal Code ('IPC' – for short) registered at Police Station Chandimandir, Panchkula (Annexure P-1) on the ground that the same is an abuse of process of law. At the same time, a prayer has been made for staying the investigation during the pendency of the petition.

The FIR was registered on the basis of the statement given by complainant Amit with the allegations that on the date of occurrence, he was sleeping in his house and upon hearing some shrieks, he came outside alongwith his father. As per the allegations, Satish Kumar was giving beatings to Basant Kumar. A PCR came there and Basant Kumar went in the PCR. After that Satish Kumar and his sons and wife entered the house of complainant Amit and assaulted him. The FIR is pending investigation.

Learned counsel for the petitioner has argued that FIR No.216 dated 07.08.2016 also relates to the same occurrence and therefore, this FIR No.155 is not sustainable on the same allegations. It is further pointed out that in respect of FIR No.216 dated 07.08.2018 (Annexure P-2), a petition bearing No.CRM-M-35609-2018 is pending for quashing of the same.

The argument of the learned counsel has been heard and this Court finds that FIR No.216 dated 07.08.2018 (Annexure P-2) is a subsequent FIR recorded on statement of Basant Kumar. Even otherwise, as per allegations also, Basant Kumar narrated the assault by the accused upon him on the same date, i.e. when complainant Amit had heard the noise and came out of his house. Sequence of events clearly reflect that on the same day, there were two occurrences where the assailants first caused injuries to Basant Kumar and when he left in the PCR, the accused attacked Amit Kumar.

Even otherwise, the FIR (Annexure P-1) is the first version which is recorded by the police on 16.6.2018, whereas FIR (Annexure P-2) was registered subsequently on 07.08.2018. No other point was raised by learned counsel for the petitioner.

Considering the allegations in both the FIRs, this Court is of the view that no case is made out for quashing the FIR at this stage, when the investigation is pending.

Petition stands dismissed.

16.01.2019
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(MANOJ BAJAJ)
JUDGE