

Sr. No.126

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

CRM-M-2877-2019(O&M)

Date of decision:10.05.2019

Puran Chand Sharma and others

..... Petitioners

versus

State of Punjab and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vinod Kumar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.02 dated 31.01.2018 registered under Sections 324/323/341/34 of the Indian Penal Code (for short 'the IPC'), at Police Station Sadar Pathankot, District Pathankot and all consequential proceedings arising therefrom.

The allegation against the petitioners in the FIR are that when the complainant was going to the Saw-Store of Rajinder Singh Sarpanch in village Bhoor for giving money to Gobind Singh and Harjeet Singh; in a car, and at about 5:00 pm when the complainant was about to come out from the car, then present petitioners who were armed with datar and were on motorcycles, suddenly came in front of the car and blocked his way and caused injury to him. Then one Raj Kumar and Ashok Kumar, both came to rescue and admitted the complainant to Civil Hospital, Pathankot through Government Ambulance, where MLR qua the injuries to these persons were also prepared.

Learned counsel for the petitioners, as an answer to the query,

has also not denied the fact that the challan has already been filed in this case.

Since there are specific allegations against the petitioners, alleged to be supported by the medical reports, therefore, it would not be appropriate for this Court to interfere for the purpose of quashing of the FIR at this stage. The plea raised by the petitioner is only pertaining to the disputed question of fact, which can be considered only by the Trial Court, during the trial, if any. Otherwise also the challan has already been filed by the police against the petitioners. That would also imply that the police have found same material to substantiate allegations leveled by the Complainant and the competent court is already seized of the matter for appreciation of the same.

In view of the above, this Court does not find any ground to interfere in the matter.

Dismissed.

10th May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*