

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16861-2012 (O&M)

Date of decision:29.01.2019

Sampat Singh

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. S.S. Behl, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. T.C. Dhanwal, Advocate for respondent No.2.

Kuldeep Singh, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.126 dated 09.02.2012 (Annexure P-5) under Sections 406/420 of Indian Penal Code, registered at Police Station Sadar, Hisar against the petitioner along with all consequential proceedings.

Brief facts of the case are that the present petitioner is the Ex-President of Shri Gau Ashram Dham, Village Dhanasu. It is alleged that Prabhu Lal and Rattan purchased 34 bullocks from cattle fair Dhanasu Road, Hisar on 16.01.2012. About 10-15 persons along with accused stopped the trucks of the complainants claiming that they are members of Gau Rakshak Samiti and registered an FIR No.53 dated 17.01.2012 under Section 11, 59 & 60 of the Prevention of Cruelty Against Animals Act and under Section 3/4A/8, 15 & 55 of Prevention of Cow Slaughter Act, at Police Station Sadar

Hissar. Consequently, the complainant was arrested and released on bail. 34 bullocks were ultimately ordered to be released on superdari. Thereafter, on 25.01.2012 complainant visited Shri Gau Ashram Dham, Village Dhanasu for release of the said bullocks but these were not given. Complainant again visited on 27.01.2012 but the present petitioner Sampat Singh and others refused to hand over the said 34 bullocks. Thereafter, as per Court orders dated 06.02.2012, they along with police reached Shri Gau Ashram Dham, Village Dhanasu for taking their bullocks. On that day Sita Ram Singal and Kapil Vats met them and asked them to take 34 aged/weak and lame bullocks which did not belong to them. Therefore, they refused to take the said bullocks. They came to know that their bullocks have been sold in an open auction at Shri Gau Ashram Dham, Village Dhanasu on 20.01.2012 by Sampat Singh and co-accused. On the basis of which, the present case was registered.

I have heard learned counsel for the parties and carefully gone through the file.

Learned counsel for the petitioner states that the petitioner was the President of Shri Gau Ashram Dham, Village Dhanasu, however, there is no evidence that he had sold the bullocks. The petitioner is not connected with the crime. In fact, these were the same bullocks and due to mis-feeding, they became weak. However, the complainant refused to take the said bullocks. It is further contended that there is no superdari order on the trial Court file and that the present petition is nothing but misuse of process of Court. It is further stated that both the complainant Prabhu Lal and Rattan became proclaimed offender in the case registered against them and will not appear as

witness.

The affidavit filed by Amarjeet Kataria, HPS, Deputy Superintendent of Police, Headquarter, Hisar shows that after the investigation, the challan has been presented. The police took into possession receipts issued by the Committee of Gaushala to the persons to whom the alleged bullocks were sold. During investigation, the statement of the persons who purchased the said bullocks were also recorded under Section 161 Cr.P.C. There are specific allegations against the petitioner. He was President of Shri Gau Ashram Dham, Village Dhanasu at the relevant time and he was allegedly involved in the sale of bullocks. After going through the file, I am of the view that it is not a fit case where powers under Section 482 Cr.P.C. should be exercised. The police has already presented the challan. The statement of witnesses of purchase the said bullocks has been recorded and the receipts were also taken in the possession. The role of the accused has to be examined on merits after the witnesses are examined and cross-examined. Therefore, from its face, it cannot be said that the present case is misuse of process of law. No ground is made out to quash the FIR No.126 dated 09.02.2012 (Annexure P-5) under Sections 406/420 of Indian Penal Code, registered at Police Station Sadar, Hisar.

Accordingly, petition is dismissed.

(KULDIP SINGH)
JUDGE

29.01.2019

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No