

CRM-M-18638 of 2015

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

CRM-M-18638 of 2015
Date of Decision: 11.02.2019

Amandeep Sharma

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Suvir Sidhu, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.
Ms. Sheenu Sura, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.334 dated 02.09.2014 registered under Sections 500, 509, 34 IPC pertaining to Police Station City Mandi Dabwali, District Sirsa, along with all consequential proceedings arising therefrom.

According to the prosecution, on 13.03.2014 petitioner had gone to pursue his civil case in Court. Co-accused of the petitioner, namely, Jagjit Singh submitted an affidavit in the Court assassinating character of respondent No.2, which was loudly read-over by the petitioner, causing harm to the reputation of respondent No.2. Therefore, respondent No.2 lodged aforesaid FIR, implicating petitioner on the allegations that Jagjit Singh in connivance with petitioner assassinated her character, using defamatory words. After due investigation, police filed final report under Section 173(2) Cr.P.C. Consequently, petitioner was charge-sheeted on

CRM-M-18638 of 2015

Learned counsel for the petitioner *inter alia* contends that there is no nexus or relationship between petitioner and Jagjit Singh. Petitioner never read-over affidavit of Jagjit Singh in Court, as alleged, in the presence of some accused produced in the Court for trial in some cases unknown to petitioner. Petitioner has falsely been implicated, who even did not know Jagjit Singh co-accused.

On the other hand, learned State counsel assisted by learned counsel for respondent No.2, pleading the legality and validity of charges framed, fairly conceded that police could not find out relationship of the petitioner with co-accused Jagjit Singh.

Having given thoughtful consideration to the above submissions, this Court finds that the instant petition merits acceptance for the reasons to follow.

Prosecution is not able to show any nexus or motive of the petitioner with alleged connivance of his co-accused Jagjit Singh to defame and harm the reputation of respondent No.2. Reading-out affidavit of Jagjit Singh casting aspersions against respondent No.2 may be on the asking of the Court or otherwise. Therefore, the same cannot be termed as any intentional act of the petitioner to cause harm to the reputation of respondent No.2. None of the known persons of respondent No.2 was present at the relevant moment. Accused, if any, present in the Court, were stranger to the petitioner or respondent No.2. Therefore, reading-out of any affidavit harming reputation of respondent No.2, as alleged, cannot be said to be a willful and deliberate attempt of the petitioner from this angle too.

In view of discussion above, instant petition is allowed. FIR

CRM-M-18638 of 2015

No.334 dated 02.09.2014 along with all consequential proceedings arising therefrom against the petitioner only is quashed.

February 11, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No