

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-26704 of 2018

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Date of decision:21.02.2019

Renuka Chopra

.....Petitioner

v.

State of Haryana and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Sushma Vama, Advocate (Amicus Curiae) for the
petitioner along with the petitioner in person.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The Nodal Officer office of GM TD, BSNL, Karnal has filed
call details which is taken on record.

This petition has been filed under Section 482 Cr.P.C. praying
for quashing of FIR No.52 dated 28.11.2017 (Annexure-P.4) registered for
the offences under Sections 323, 506 and 188 IPC at Police Station Women
Kurukshetra, District Kurukshetra.

Notice of motion has been issued in this case.

Mr. Tanuj Sharma, learned Assistant Advocate General,
Haryana has appeared on behalf of the respondent-State and contested this
petition. Earlier Mr. Sanjeev Majra, learned Advocate has appeared for

respondent No.4, but today no one has appeared on his behalf.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR No.52 has been got registered by ASI Babita, who stated that an order was given by SHO Parveen to her that under Sections 107 and 151 Cr.P.C. Renuka Chopra is in Jail, and take Renuka Chopra from Jail and produce her before the Court of Tehsildar. When after taking Renuka, she was sitting in Police vehicle, mother of Renuka was standing already. Renuka said to allow her mother to sit with her. She denied, on this Renuka got annoyed and started beating her and said that she will kill her and caught her neck with force and torn her collar, punched her and started abusing. HC Parveen had rescued her from Renuka.

At the time of arguments, petitioner as well as learned counsel for the petitioner argued that the petitioner has been harassed by the Police and false proceedings under Sections 107 and 151 Cr.P.C. have been initiated against her. It has been argued that no such occurrence took place and this false FIR has been registered at the instance of SHO Parveen, who earlier falsely implicated the petitioner.

On the other hand, learned State counsel argued that in petition for quashing proceedings, this Court is not to give the finding of fact and no legal point has been argued for quashing of the FIR.

After going through the record and hearing learned counsel for the petitioner as well as learned State counsel, I find that whether this FIR is false or motivated or not or whether this occurrence had taken place as per

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the FIR are findings of fact which are to be given by the learned trial Court on the basis of evidence produced before it. This Court in the petition for quashing of the FIR cannot give the finding of fact as there being no evidence before it to give the finding of fact.

A perusal of the FIR shows the commission of cognizable offence and, in no way, at this stage, it can be held that this FIR is false or concocted one. In no way, at this stage, it can be held that the registration of the FIR is abuse of the process of law or amounts to miscarriage of justice. Therefore, no ground is made out for quashing of the FIR.

Consequently, finding no merit in the present petition, the same is dismissed.

February 21, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No