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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40513-2018
Date of decision-04.12.2019

Dayal Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vinod Pundir, Advocate for
Mr. Satbir Rathore, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

None for respondent No.5.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C for quashing the cross case bearing rapat/DDR No.14 dated 07.08.2018 registered under Sections 325, 323 and 506 read with Section 34 of Indian Penal Code, 1860 in FIR No.66 dated 06.06.2018 registered under Sections 341, 323, 506 and 148 read with Section 149 IPC (Section 325 IPC added later on), at Police Station Kiratpur Sahib, District Rupnagar.

On 14.09.2018, notice of motion was issued. Pursuant to the said order, reply by way of affidavit of Raminder Singh Kahlon, PPS, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab, on behalf of respondent Nos.1 to 3-State has been filed. As per reply on the statement of Amrik Singh, subject FIR No.66 dated 06.06.2018 was

registered in respect of occurrence which took place on intervening night of June 03/04-2018, whereupon respondent Nos.4 and 5 along with others allegedly caused injuries to Amrik Singh and his father. It is further highlighted that respondent Nos.4 and 5 were also admitted in the hospital and the injury suffered by respondent No.4 was declared to be grievous. The cross version was recorded on the statement of Mohan Singh through DDR No.14. The final report in the FIR case was filed on 25.07.2018 whereupon the charges were framed on 04.10.2018.

Learned State counsel on instructions from ASI Mohan Lal has apprised the Court that the investigation of the case is complete and the final report in the cross case will be presented before the competent Court of jurisdiction.

In view of the stand of the State, this Court does not find any reason to invoke inherent powers under Section 482 Cr.P.C as the occurrence in question is not disputed by learned counsel for the petitioners. The petition for quashing of the cross version case is founded on disputed facts, therefore, no ground is made out for quashing. However, it shall be open for the petitioners to raise these grounds before the trial Court at an appropriate stage.

The petition is dismissed.

(MANOJ BAJAJ)
JUDGE

04.12.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No