

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

CRM No.M-44727 of 2016 (O&M)

Date of Decision: March 13, 2019

Ravinder alias Papan

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Mamli, Advocate
for the petitioner.

Mr.Navdeep Singh, AAG, Haryana
for the respondent-State.

Mr.Vikrant Rana, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.0397 dated 17.08.2016 under Sections 147, 149, 323, 341 and 506 IPC registered at Police Station Safidon, District Jind and further proceedings in the FIR.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

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

From the record, I find that FIR in the present case has been

registered on the statement of Jai Narain against Pawan Kumar, Karambir,

Papan (present petitioner), Rambir and Parkash. It is stated by the complainant that accused have given beatings to him with an intention to kill. It is also stated that there is land dispute of the complainant with accused No.1 and 2 for partition and case is pending. The accused have colluded and attacked the complainant when he was going at 5.30 to his fields. There is also mention regarding MLR in the FIR.

Learned counsel for the petitioner argued that detailed particulars have not been mentioned in the FIR that who specifically gave beatings to the complainant. He argued that a false case has been got registered by the complainant due to enmity between the parties. He next argued that in the MLR, three injuries out of four are complaint of pain without external injuries and fourth injury is also abrasion only.

On the other hand, learned State counsel and learned counsel for respondent No.2 argued that this Court is not to give finding of fact in the quashing petition as these are to be given by the trial Court on the basis of evidence. They further argued that occurrence is genuine and happened as mentioned in the FIR. Learned counsel for respondent No.2 argued that oral version has been supported by the MLR.

First of all, I find that it is settled law that finding of fact is not to be given by this Court in the proceedings under Section 482 Cr.P.C. without any evidence before it. The finding of fact is to be given by learned trial Court on the basis of evidence produced before it. In no way, at this stage, it can be held that no occurrence has taken place or it is a false FIR or accused have been falsely implicated. All these are findings of fact, to be given by the trial Court. There is nothing at this stage to show that

amounts to miscarriage of justice, therefore, no ground is made out for quashing the FIR.

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

However, nothing stated above, shall constitute my opinion on merits of the case.

March 13, 2019	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No