

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-7356-2015 (O & M)
Date of Decision:17.07.2019

Gursewak Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Mohit Garg, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of Complaint No.16 dated 12.03.2014 under Sections 452/323/506/148/149 IPC and Section 3(x)(1) of Schedules Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the summoning order dated 23.09.2014 (Annexure P-4).

Learned counsel for the petitioners contends that in respect of this occurrence, an FIR No.28 dated 08.03.2014 under Sections 452/323/506/34 IPC, has already been registered at Police Station Singh Bhagwantpur, District Rupnagar at the instance of respondent No.2- Kulwant Singh. He submits that Kulwant Singh had filed the impugned complaint wherein the offence punishable under Section 3(x)(1) of Schedules Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

was also alleged to have been committed by the petitioners. It is pointed out

that in the said FIR on the basis of complaint given by the petitioner No.1- Gursewak Singh, a cross case was also registered through DDR No.27 dated 08.03.2014.

Learned counsel for the petitioners contends that the trial in the FIR as well as the cross-case ended in conviction of both the parties. He has produced the copy of judgment of conviction pronounced on 18.10.2018 in police challan No.442 whereby respondent No.2-Kulwant Singh and his co-accused namely Sahil @ Sail Singh, Sarwan Singh and Jaspreet Singh @ Nisha were convicted for the offences punishable under Sections 323/452/427 read with Section 34 IPC.

This fact is not disputed by learned counsel appearing on behalf of respondent No.2; besides, it is also pointed out by him that in the connected police challan No.441, the application filed on behalf of respondent No.2 for addition of charge for the offence punishable under SC/ST Act, 1989 already stood declined vide order dated 24.04.2017. There is no conflict between the parties in respect of the above status of the facts and therefore, in view of the above, the present petition is rendered infructuous.

The present petition is disposed off as infructuous.

17.07.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No