

CRM-M-8550 of 2014

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

CRM-M-8550 of 2014
Date of Decision: 26.02.2019

Didar Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. B.D. Sharma, Advocate,
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Tushar Sharma, Advocate,
for Mr. R.S. Bajaj, Advocate,
for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing cross-version case recorded vide DDR No.15 dated 01.10.2006 (Annexure P-1), including final report under Section 173 (2) Cr.P.C. (Annexure P-2) and all subsequent proceedings arising therefrom.

Briefly, petitioner No.8 – Baljit Kaur registered FIR No.105 dated 28.09.2006 under Sections 323, 325 and 149 IPC at Police Station Bhogpur, District Jalandhar, against respondent No.2, his wife Kamaljit Kaur, daughter Billi and son-in-law Guriqbal Singh @ Lucky, in which respondent No.2 got recorded cross-version vide DDR No.15 dated

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filed final report under Section 173(2) Cr.P.C. against respondent No.2 and his family members aforesaid, disbelieving cross-version recorded by him vide abovesaid DDR.

Thereafter, during trial, respondent No.2 led evidence in his defence in support of his cross-version recorded vide aforesaid DDR against the petitioners, but did not succeed, inasmuch as the trial Court disbelieving his defence/cross-version, convicted respondent No.2 and his family members aforesaid under Sections 326, 326/34, 323, 323/34 and sentenced to undergo rigorous imprisonment for a maximum period three years vide judgment of conviction and order of sentence dated 07.03.2013.

Being aggrieved, respondent No.2 and his co-accused preferred appeal and revision, but remained unsuccessful as the same were also dismissed. Consequently, aforesaid judgment of the trial Court dated 07.03.2013 attained finality. After seven years of recording of aforesaid cross-version, respondent No.2 succeeded in getting submitted final report against the petitioners, which has been assailed herein.

Heard.

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

Cross-version recorded vide aforesaid DDR by respondent No.2 has already been disbelieved by the police and the trial Court as well. Therefore, filing of final report under Section 173(2) Cr.P.C. by the police in the aforesaid DDR is totally an abuse of process of law inasmuch as there is no explanation with the police as to why it kept on sleeping over

the matter for around seven years and all of a sudden awoke out of great slumber and filed final report against the petitioners. The above conduct

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of the Punjab Police is strongly condemnable and is condemned in view of the fact that in case, if, there would have been some substance in the cross-version recorded by respondent No.2 vide aforesaid DDR in that eventuality, the Investigating Officer, while indicting respondent No.2 and his family members aforesaid by filing final report under Section 173(2) Cr.P.C. must have also sent final report against the petitioners as a cross-case, at that very moment. It seems that the police officer who has now filed final report under Section 173(2) Cr.P.C. against the petitioners in cross-version recorded vide aforesaid DDR is hand in glove with respondent No.2 and has done so, definitely, for some extraneous reasons and considerations.

The core dispute amongst petitioners and respondent No.2 was of some property for which fight ensued and culminated into FIR No.105 dated 28.09.2006 in which respondent No.2 recorded cross-version vide DDR No.15 dated 01.10.2006. However, respondent No.2 and his family members have lost the battle upto this Court.

Offence under Section 325 IPC is not made out inasmuch as in complaint filed by respondent No.2 under Sections 323, 325, 308, 148 and 149 IPC, the trial Court vide its order dated 24.08.2013 (Annexure P-2 with CRM-M-8025 of 2014) though summoned petitioners under Sections 323, 325 read with Section 149 IPC, but observed that there was nothing on record to show that injuries suffered by respondent No.2 were grievous in nature. Therefore, at that stage, respondent No.2 had failed to prove that petitioners had committed any offence either under Section 325 or Section 308 IPC.

In view of above, petition is allowed. Cross-version case recorded vide DDR No.15 dated 01.10.2006 (Annexure P-1), including

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final report under Section 173(2) Cr.P.C. (Annexure P-2) and all subsequent proceedings arising therefrom are quashed.

February 26, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No