

CRM-M-1249 of 2019

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

CRM-M-1249 of 2019
Date of Decision: 06.03.2020

Gurwinder Singh @ Raja

...Petitioner

Versus

Kulchain Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioner.
Mr. Bhanu Pratap Singh, Advocate, for respondent No.1.
Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing complaint No.147/2014 dated 24.12.2014 under Sections 323, 342, 506, 34 IPC (Annexure P-6) titled "Kulchain Singh v. Karnail Singh and others" against the petitioner, order dated 05.02.2016 (Annexure P-9) of the trial Court, summoning the petitioner under Sections 323, 506 IPC read with Section 34 IPC and subsequent proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that in the evening of 19.06.2014, grandfather of the petitioner was mercilessly beaten up by the complainant party. On reporting the matter to the police, FIR No.98 dated 21.06.2014 under Sections 323, 324, 425, 326, 34 IPC was registered against the complainant party. To counter the said FIR, complainant party lodged false FIR No.52 dated 24.06.2014 under Sections 324, 341 and 34 IPC at distinct Police Station Bholath, falling in District Kapurthala, which, on investigation, was found false. Thus, report was

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submitted in the Court to cancel the same. More than six months thereafter, respondent No.1 filed another complaint against father, uncle and other relatives of the petitioner at Kapurthala. When respondent No.1 did not succeed to falsely prosecute family members of the petitioner, he filed two complaints under Section 156 Cr.P.C., including the present one, after around six months for the same occurrence dated 19.06.2014. Petitioner, who is a juvenile, aged 15 years, has falsely been implicated to put undue pressure upon his family members to compromise, knowing well that he is permanently settled abroad. MLR of respondent No.1 falsifies his allegations against the petitioner, inasmuch as no corresponding injury attributed to the petitioner was found on the person of respondent No.1. Petitioner has wrongly been charge-sheeted.

Refuting above submissions, learned counsel for respondent No.1 submitted that it was a free-fight between the parties as they are closely related to each other. Investigating Officer, namely, HC Sarabjit Singh in FIR No.98 dated 21.06.2014 against respondent No.1, during trial appearing as PW3, testified that though respondent No.1 and his son had also received injuries at the hands of family members of the petitioner, but he did not register cross FIR. After filing of the cancellation report in the case registered by respondent No.1 against family members of the petitioner by Kapurthala police, respondent No.1 filed a complaint, in which three persons from the petitioner's family are absconding and have been declared proclaimed offenders. Petitioner had given a slap to respondent No.1-complainant. Thus, he has rightly been charge-sheeted after summoning in the complaint case.

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

Undisputedly, petitioner was a minor on the date of incident i.e. 19.06.2014. It is also not disputed that petitioner is permanently settled in UK. In the instant complaint case filed by respondent No.1 against family members of petitioner after submission of cancellation report by the police in the FIR, proceedings have been stayed by this Court. Parties are *inter se* related. Allegation against the petitioner is that he gave a slap to respondent No.1. However, in medico-legal examination report of respondent No.1, no corresponding injury was found. Two of the family members of the petitioner i.e. his grandfather and grandmother, aged 81 and 78 years, have also been arrayed as accused and summoned.

From overall facts and circumstances of the case, it is apparent that petitioner has falsely been implicated to put undue pressure upon his family members to compromise in the FIR case lodged by them against respondent No.1, in which, according to learned State counsel, trial is at the fag end.

In view of discussion made above, petition is allowed. Impugned complaint, summoning order and all consequent proceedings arising therefrom are quashed against the petitioner only.

March 06, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No