

Sr.No.122

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

**CRM-M-1496-2020
Date of decision:15.01.2020**

Navneet Lakhan Pal and others

... Petitioner(s)

versus

State of Haryana and others

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Rajesh Sehgal, Advocate and
Mr. Abhay Kant Mishra, Advocate
for the petitioners.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.253 dated 02.09.2019 registered under Sections 384, 389, 323, 506, 427 IPC at Police Station Sarai Khawaja, District Faridabad and all subsequent and consequent proceedings as emanated from the FIR including the Notice under Section 41A Cr.P.C issued by the SHO, Police Station Sarai Khawaja 29.12.2019 (Annexure P-9).

Learned counsel for the petitioner has argued that lodging of the present FIR is a misuse of the process of law as no offence has been made out from the FIR and petitioner has been wrongly roped in the present FIR.

A perusal of the FIR (Annexure P-9) shows that the petitioner and one Pooja Lakhanpal and another man, namely, Maini allegedly came at

night to the place of the complainant and threatened to falsely implicate his son Amit Goyal and his family. It is alleged in the FIR that they threatened the complainant and his son and asked for Rs.2 lakhs and ultimately they had extorted Rs.1.5 lakhs from them. It has been stated in the FIR that the petitioners and others had come to their house with goons and had attacked them by throwing stones and also abused them. It is further alleged in the FIR that these people were carrying knives and sticks and thereafter, they threatened to kill the complainant, his wife and his sons. Furthermore, it is alleged in the FIR that on 08.01.2019 they had called from number 9870496048 in the office of his son by becoming a fake police personnel and tried to inquire about his son.

After hearing learned counsel for the petitioner and after going through the FIR, it can be seen that in the FIR direct allegations have been levelled upon the petitioner and the matter is being investigated by the police. The submissions made by learned counsel for the petitioner pertains to the factual dispute which has been raised by him and which according to learned counsel for the petitioner can become ground for quashing of the FIR. The law with regard to the quashing of the FIR has been laid down by the Hon'ble Supreme Court in the judgment rendered in ***State of Haryana and others vs. Ch. Bhajan Lal and others; 1992 AIR 604.***

In the present case, however, the petitioner has raised factual dispute and the matter is still under investigation and apart from this direct allegations have been attributed to the petitioner. Therefore, while applying the ratio laid down by the Hon'ble Supreme Court in Bhajan Lal's case (supra). it is not a fit case where the FIR can be quashed at the threshold.

In view of the above, present petition is dismissed. However,

nothing stated herein above, shall be construed to be an expression on the merits of the case.

15th January, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No