

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-15705 of 2020

Date of Decision: 18.06.2020

Vicky Saini and Another

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Shailender Mohan, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The petitioners have filed the present petition under Section 482 Cr.P.C. calling upon this Court to quash FIR No. 202 dated 30.04.2018, registered under Section 387, 34 and 120-B IPC, Police Station City Hansi, District Hisar, Haryana.

In a nutshell, the case of the prosecution is to the effect that Ved Parkash son of Chetan Parkash, who runs a shop with a name of "Sanjha Chulha" at Umra Gate, Hansi, has submitted an application before the police to the effect that on 29.04.2018 at about 10.30 p.m. when he was working at his eating joint, then two boys – Vikas Chindi and Commando came on a motorcycle and threatened him with dire consequences if he does not pay a ransom of ₹ 10,00,000/-. They stated that if he does not pay the ransom, he would be killed. These two boys left while disclosing their names as Vikas Chindi and Commando. He can identify them. The first informant further states that since then he was afraid and today he has come along with his

relatives and others from the same market to get the case registered. Action be taken. On that night, six/seven more persons also came in a car which was parked by them at a little distance.

The prosecution initially put Sonu alias Commando and Vikas alias Bhasudi on trial. The first informant did not support the case of the prosecution resulting in their acquittal.

The petitioners herein claim quashing on the ground that they are neither named in the FIR nor any specific role has been attributed to them. They also claim that co-accused have already been acquitted and therefore, the prosecuting agency has no right to present the final report against them.

It is undisputed that the petitioners have never been tried for the alleged offence. Before an order of quashing of an FIR is passed, it is necessary for the petitioners to establish that on the reading of the FIR, either no case is made out against them or such trial shall be abuse of the process of law. In the present case, it appears that after acquittal of Vikas Chindi and Commando, the prosecuting agency has once again started investigation. It is also not in dispute that till now the police has not taken any action. The quashing of an FIR can only be resorted to in case the petitioners beyond reasonable doubt establish that the case against them is either not made out or is abuse of the process of law. In the considered view of this Court, the petitioners have failed to fulfill the aforesaid parameters.

In view thereof, there is no ground to quash the impugned FIR. Dismissed. However, as and when the police submits a report under Section 173 Cr.P.C. against the petitioners, they would be at liberty to take steps in

accordance with law. The observations made by this Court while deciding the present petition shall not prejudice the case of the petitioners.

(Anil Kshetarpal)
Judge

June 18, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No