

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

CRM-M-26190-2020 (O&M)
Date of Decision:04.09.2020

Pardeep

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks quashing of FIR No.553, dated 24.09.2017, under Sections 186/307/332/120-B IPC and Section 25 of the Arms Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Counsel argues that on the same facts and allegations and in relation to the same occurrence, FIR No.598 dated 23.09.2017 was registered at Police Station City Bahadurgarh and reliance has been placed upon judgment of the Apex Court in **T.T. Antony Vs. State of Kerala, AIR 2001 (SC) 2637** and as per which a second FIR cannot sustain.

This Court has perused both the FIRs in question. The first FIR i.e. FIR No.553, dated 24.09.2017 has been registered on the complaint of Mathew Xavier raising allegations that his son has been abducted and Rs.76 lakhs had been demanded over the phone by the accused persons towards ransom amount.

Insofar as the instant FIR is concerned bearing No.553, dated 24.09.2017, the occurrence is totally separate inasmuch as the present petitioner is alleged to have gone to collect the ransom money and having been encircled by a police party, he had attacked the same and infact fired and the shot has hit one of the police personnel attracting offence under Section 307 IPC.

Both the FIRs clearly do not stem out the same incident/occurrence. The judgment of the Apex Court in **T.T. Antony's case (supra)** would have no applicability to the facts of the present case.

At this stage, counsel upon sensing that this Court is not inclined to intervene in the matter seeks withdrawal of the petition.

Dismissed as withdrawn.

04.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |