

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

**CRM-M-27482-2020 (O&M)
Date of Decision:11.09.2020**

Jatinder Kanda and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Aditya Pal Singla, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

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

Instant petition has been filed under Section 482 Cr.P.C.seeking quashing of FIR No.0092 dated 14.05.2020, under Sections 323, 452, 506 and 34 IPC, registered at Police Station City Nawanshahr, District SBS Nagar (Nawanshahr).

Counsel would argue that it is a case of false implication. A concocted story has been put forth by the complainant namely Meenu wife of Hardeep Kumar. It is further submitted that under the Covid lockdown period, both the petitioners had gone to the house of the complainant to give certain amount of money and only on account of there being a dispute as regards the quantum of money that the present petitioners stand implicated on the basis of false allegations.

Counsel further seeks indulgence of this Court by submitting that petitioner No.1 is a lawyer by profession.

Having heard counsel for the petitioners at length and having perused the pleadings on record including the impugned FIR, this Court is of the considered view that the prayer for quashing of the same cannot be accepted.

The Hon'ble Supreme Court in ***State of Haryana and others Vs. Chaudhary Bhanaj Lal and others (1991) 1 RCR (Criminal) 383*** had laid down the guidelines for exercise of powers under Section 482 of the Criminal Procedure Code, for quashing of FIRs. One of the guideline/parameter was that where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused then the inherent powers under Section 482 Cr.P.C. may be exercised for quashing of such FIR.

Adverting back to the facts of the present case, the complainant Meenu is the real sister of petitioner No.1 and sister-in-law of petitioner No.2. There are specific allegations in relation to an alleged occurrence that took place on 08.05.2020 at about 12.30 p.m. Complainant has asserted that while she was present at her house, both the petitioners gained entry and threatened to kill her. Motive attributed is that in the morning hours the complainant had spoken to the father and spoken ill. Specific allegations are that petitioner No.2 caught hold of both the arms of the complainant and thereafter petitioner No.1 caught the complainant by her hairs and gave

repeated punch blows on the backside of the neck as also on the back.

In the considered view of this Court, this is a matter which ought to be investigated thoroughly. The allegations contained in the FIR if taken at their face value, prima facie constitute a cognizable offence, having been committed.

No ground is made for quashing of the FIR.

Petition dismissed.

The instant order was dictated while counsel had joined proceedings on video conferencing. Confronted with an order of dismissal, counsel now seeks withdrawal of the petition.

Counsel has taken a chance before this court and now cannot be permitted to turn around and seek withdrawal.

The request of the counsel can only be termed as unfortunate.

This Court would say no more.

Request declined.

(TEJINDER SINGH DHINDSA)
JUDGE

September 11, 2020

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