

CRM-M-5481-2021

Date of Decision: 12.02.2021

Gaurav and another

.....Petitioners

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sachin Kaushik, Advocate, for the petitioners.
Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioners seek quashing of FIR no. 175 dated 29.04.2019, registered at Police Station Gannaur, District Sonipat, for the alleged commission of offences punishable under Sections 323/506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities, Act, 1989), as also all other subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that in fact the FIR in question is a counter-blast to the complaint made by petitioner no. 2, Darshna, on 12.02.2019 (copy Annexure P-2) and as such the entire occurrence shown in the FIR is wholly cooked up, with the FIR against the petitioner eventually registered on 29.04.2019 but with the complaint made in the context of the FIR also being after the date of the petitioners' complaint.

He further submits that even the complaint to the National Commission for Scheduled Castes (leading to registration of the FIR eventually), was moved only on 16.02.2019, i.e. 04 days after the alleged occurrence, and in fact also 04 days after the complaint made by petitioner no. 2, which was also made on 12.02.2019 (Annexure P-2).

However, as a matter of fact, a perusal of Annexure P-2 by this court (vernacular version) shows that it has been signed by the applicant on 20.02.2019.

[It is necessary to observe here that though the English translated copy of the complaint made by the petitioner Darshna is annexed as Annexure P-3 with the petition, however, the vernacular version thereof as has been annexed at the end of the petition, is shown to be Annexure P-2 and therefore it has been referred to as Annexure P-2 hereinabove because the handwritten date (20.02.2019) is seen only on the vernacular version].

That apart, whether the FIR is a counter-blast to the said application (if that application was actually made on 12.02.2019), or the application of petitioner no. 2 which is shown to be signed on 20.02.2019 is a counter-blast to the complaint made for registering of the FIR, is something which the investigating agency and the trial court would be required to go into as per evidence gathered/led.

At this stage, this court would not be inclined at all to even entertain this petition for quashing of the FIR, looking at the contents thereof, especially as learned State counsel, even before notice of motion has issued, has received instructions in advance (as in most cases during this period of the video conferencing), that the '*challan*' has also been submitted to the competent court, with the charges also framed therein.

Consequently, without making any comment on the actual merits of the case at all, this petition is dismissed.

February 12, 2021

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Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.