

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M-42885 of 2021 (O&M)
Date of Decision: 12.11.2021**

Arun Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. SC Arora, Advocate
for the petitioner.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 244 dated 30.11.2017 registered under Sections 429 and 506 of the Indian Penal Code at Police Station City, Sri Muktsar Sahib.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the instant FIR on the allegation that the petitioner has caused death of a pet dog of his neighbour with a blunt weapon. Learned counsel would contend that the FIR has been registered against the petitioner on the basis of a bald statement, which is not supported by any ocular or circumstantial evidence and is based only on suspicious circumstances stating that the pet dog was found dead in front of the house of the petitioner. It is contended that the post mortem report of the dog which is available would reflect that the dog died due to hypoxia, which can be caused by malnutrition or pulmonary or lungs infection. Learned counsel would rely upon the opinion of the doctor which would reflect no external injury mark, abrasion or laceration on the body of the pet,

which would falsify the police version that the petitioner had hit the dog with a blunt weapon.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondent—State.

Learned counsel for the respondent—State, on instructions from ASI Lakhwinder Singh, would submit that the matter already stand investigated and the challan stand presented and therefore, at the present moment, there is no ground for quashing of the said FIR.

I have heard learned counsel for the parties and have also perused the pleadings of the case, which also includes the postmortem certificate. As per the said certificate, there was a single linear abrasion on left leg of the pet dog measuring 3.5' long and 0.5 wide on csudolateral aspect of elbow. There was also mild inflammation on right side of forehead and upper lip. As per the certificate, the doctor opined that the animal might have died due to shock, probably caused by bleeding in thoracic cavity/hypoxia.

In the opinion of the court, since the matter already stand investigated and the challan presented, therefore, it would be a matter of evidence as to the cause of death of the pet dog. Hence, the FIR cannot be quashed at this stage. Dismissed.

12.11.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No