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

CRR No.1256 of 2020 (O&M)

Date of decision: 10.03.2021

Puneet Kumar

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Mahir Sood, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this revision petition is for setting-aside the order dated 21.08.2020 passed by the trial Court vide which charge under Section 8 of the POCSO Act read with Section 147, 149, 323, 506 and 509 of the Indian Penal Code, 1860 (in short 'IPC') was framed against the petitioner.

On 17.11.2020, at the time of issuance of notice of motion, the petitioner had restricted his prayer to the extent that there is another trial pertaining to the cross-version registered by the petitioner vide FIR No.36 dated 18.01.2020 registered under Sections 323, 34, 506 IPC at Police Station: S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

Counsel for the petitioner has argued that this FIR No.36 dated 18.01.2020 was registered on the statement of one Nidhi Kumar, the wife of Raman Kumar, who is brother of the petitioner and the

incident in both the FIRs i.e. FIR No.36 dated 18.01.2020 registered at Police Station: S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad under Sections 323, 34, 506 IPC and FIR No.15 dated 17.01.2020 at Women Police Station NIT, Faridabad, District Faridabad under Sections 8 of the POCSO Act read with Sections 323, 34, 506, 509 IPC, in which the impugned order framing charge has been passed, relates to an incident regarding the dispute of parking as the petitioner and the complainant are residing in the same premises on two different floors.

Counsel for the petitioner has further submitted that since the allegation in FIR No.15 dated 17.01.2020, pertains to Section 8 of the POCSO Act, the jurisdiction was with Women Police Station, NIT, Faridabad and the allegation in the other FIR No.36 dated 18.01.2020 are under the provisions of IPC and therefore, the jurisdiction was with the local police i.e. Police Station: S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad, however, the incident relates to a sudden provocation which arose due to the parking issue between the two parties.

Counsel for the petitioner has referred to allegations in FIR No.36 dated 18.01.2020 registered at Police Station: S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad under Sections 323, 34, 506 IPC and FIR No.15 dated 17.01.2020 at Women Police Station NIT, Faridabad, District Faridabad under Sections 8 of the POCSO Act read with Sections 323, 34, 506, 509 IPC (both the FIRs) to substantiate his argument.

Counsel for the State assisted by counsel for the

complainant has opposed the prayer on the ground that both the incidents are different and therefore, the same cannot be clubbed together.

In reply, counsel for the petitioner has referred to a judgment “*Kuldip Yadav and others vs State of Bihar*”, 2011(2) RCR (Criminal) 820, wherein it has been held by the Hon'ble Supreme Court that where the substantive issue regarding the occurrence is identical in 02 FIRs even if both the FIRs are not clubbed together, it will be in the interest of justice that both the cases are tried together and decided by the same Court.

Accordingly, considering the limited prayer of the petitioner, this revision petition is partly allowed and the District & Sessions Judge, Faridabad, is directed to assign both the trials arising out of FIR No.36 dated 18.01.2020 and FIR No.15 dated 17.01.2020, to one Court of competent jurisdiction so as to try both the cases together and decide the same on the same date.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

10.03.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No