

CRM-M-13396-2021

Date of Decision: 15.03.2022

Harpreet Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGHPresent: Mr. Vikas Bali, Advocate, for the petitioner.
Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks quashing of GD No. 031, dated 09.08.2020, registered at Police Station Cantt, Police Commissionerate, Jalandhar, (in FIR No. 031, dated 09.08.2020, alleging therein the commission of offences punishable under the provisions of Sections 452/506/295-A/34 of the IPC), for the alleged commission of offences punishable under the provisions of Sections 354/D/341/506/295-A/34 of the IPC, as also all other subsequent proceedings arising therefrom.

Notice of motion having been issued in this petition and a reply having been filed by the Assistant Commissioner of Police-V, Contonment, Jalandhar, it is stated therein that as regards the FIR registered at the instance of the petitioner, a report under the provisions of Section 173 of the Cr.P.C. has been presented against an accused Amardeep Singh, with the other accused having found to be innocent; and as regards the cross-version registered arraigning the petitioner as an accused therein, a similar report has been prepared. Though it has not been specifically stated as to what the petitioner is accused of in the said report, learned counsel submits that in fact

the report has now been presented to the competent court, alleging therein the commission of offences punishable under the provisions of Section 354-D of the IPC and Section 506 thereof.

He however has produced in court today a print out of what are stated to be messages exchanged between the petitioner and the daughter of the complainant, from which he points out that most of the messages were sent by her, to which he was responding, with them not being obscene message in any manner; and therefore no offence *prima facie* is made out against him, though he fairly submits, upon query, that the girl is about 17 years of age.

That being so, though as per the copies of the aforesaid messages as have been put up before this court, there may not be any offence made out, however, firstly, whether these are the entire set of messages or there were some others also which have not been put up; and secondly, with the girl stated to be a minor, the competent court to whom the report under the provisions of Section 173 of the Cr.P.C. has been submitted, would naturally determine as to whether any offence is made out or not. Hence, I would see no ground to entertain this petition, which is consequently dismissed but with the petitioner obviously at liberty to take his remedy before the competent court in which the report under the provisions of Section 173 of the Cr.P.C. has been submitted.

It is made absolutely clear that this court has made no comment on the actual merits of the case.

March 15, 2022

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Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.