

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

**126**

**CRM-M-14470-2022**

Date of Decision : **April 07, 2022**

**VIJAY KUMAR**

.....Petitioner

***VERSUS***

**STATE OF HARYANA**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Siddarth, Advocate  
for the petitioner.

**JASGURPREET SINGH PURI. J. (Oral)**

The present second petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.183 dated 17.3.2018, under Section 160 IPC, registered at Police Station Sadar, Bhiwani.

The learned counsel for the petitioner has submitted that the present FIR was registered against the petitioner and some other co-accused on the basis of allegations contained in the FIR vide Annexure P-1 that on 17.3.2018 about 100 to 150 young boys alongwith 20-30 vehicles created a ruckus in front of the District Prison, Bhiwani regarding bail of Bablu Gujjar of Bawani Khera coupled with raising of slogans in favour of the aforesaid person. Thereafter the police personnel reached the spot and found 10 boys including the petitioner raising the slogans in a loud voice of 'Bablu Gujjar Zindabad' while dancing on the road in front of the District Prison, Bhiwani.

The learned counsel for the petitioner submitted that another FIR bearing No. 182 dated 17.3.2018 was also registered on similar

allegations against some different accused, who have since been acquitted vide Annexure P-2 dated 28.10.2021 and, therefore, on the same footing the present FIR against the petitioner may be quashed.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that he has received an advance copy of the petition and has also sought instructions. He submitted that although some of the other accused in a different FIR have been acquitted but they have been acquitted on the basis of benefit of doubt and so far as the present petitioner is concerned, the trial is already commencing against him and the prosecution evidence has already started. He further submitted that the plea taken by the learned counsel for the petitioner that some of the other boys, who were part of the unlawful assembly but in a different FIR have been acquitted on the basis of benefit of doubt and on the basis of the same one of the present accused in a different FIR is praying for quashing of the FIR is not sustainable as these are two different FIRs and based upon different evidence. He submitted that even otherwise also as per the allegations contained in the FIR much serious offence has been committed. He has, therefore, prayed for the dismissal of the present petition.

I have heard the learned counsels for the parties.

The learned counsel for the petitioner has raised an argument that with regard to the incident two different FIRs were lodged and in one FIR in which the petitioner was not an accused and some other co-accused have been acquitted on the basis of benefit of doubt and on the basis of which the present petitioner in a separate FIR has prayed for

quashing of the FIR on the same footing is not sustainable. Both the FIRs are different and in the FIR No.182 dated 17.3.2018 where the other accused have been acquitted was on the basis of benefit of doubt extended to them. However, in the present FIR bearing No. 183 dated 17.3.2018, the case is fixed for prosecution evidence and it itself cannot become a ground for quashing of the present FIR as well. The parameters for quashing of an FIR by the High Court in exercise of powers under Section 482 of the Code of Criminal Procedure have been laid down by the Hon'ble Supreme Court in the case of **State of Haryana and others Vs. Ch. Bhajan Lal and others, 1992 SCC (Crl.) 426.**

In the facts and circumstances of the present case, no ground has been made out by the petitioner for quashing of the FIR on the basis of the aforesaid parameters laid down by the Hon'ble Supreme Court in Bhajan Lal's case (Supra). Therefore, finding no merit in the present petition, this Court does not wish to exercise its extra ordinary jurisdiction to quash the FIR under Section 482 of the Code of Criminal Procedure.

In view of the above, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)  
JUDGE

April 07, 2022

ajay-1

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |