

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

CRM-M-20023-2021 (O&M)

Date of decision: 19.01.2022

Karandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.P.S. Tung, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for quashing of FIR No. 190 dated 02.11.2020, registered under Sections 353, 186, 506 IPC, at Police Station Anaj Mandi, District Patiala, and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner had only asked respondent No. 2 to reveal her identity and that even as per the CCTV footage, neither the alleged occurrence ever took place nor anything was recovered from the house of the petitioner. In respect of the authenticity of the CCTV footage, learned counsel for the petitioner relies upon an affidavit dated 08.12.2021 executed by Vikram Kapoor, who is in the profession of installing CCTV Cameras. It is yet further submitted that when the

complainant did not reveal her identity and tried to forcibly enter the house of the petitioner, he had called the local police and once the local police reached, the petitioner had opened the gate of his house and thus, the allegation of obstructing the complainant in performance of her duties, is not made out.

Learned State counsel submits that the affidavit of a private person regarding the authenticity of the CCTV footage, cannot be taken into consideration; that respondent No. 2 was performing her official duty, when she had conducted a raid at the house of the petitioner and that as a matter of fact, the police had been called by her and not by the petitioner. It is further submitted that the challan has already been presented and that as the authenticity of the CCTV footage can only be determined on the basis of evidence led by the parties, it is open to the petitioner to avail his remedy before the trial Court.

I have heard learned counsel for the parties.

As noticed above, the petitioner seeks quashing of the FIR and all subsequent proceedings arising therefrom. The petitioner places heavy reliance upon the CCTV footage, to plead that no offence has ever been committed by him. The petitioner, if so advised, is at liberty to raise all the pleas, as have been raised in the present petition, before the trial Court. Merely on the basis of CCTV footage, especially when the said footage is sought to be relied upon on the basis of the affidavit of a private person, stated to be in the business of installing the CCTV footage, the FIR and subsequent proceedings cannot be quashed.

As a matter of fact, this Court does not find that instant one is a

fit case where jurisdiction under Section 482 should be exercised. The factual matrix of the present case, is not the one, which falls within the principles stipulated by the Hon'ble Supreme Court in Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur v. State of Gujarat, (2017)9 SCC 641. In the said judgment, it was held by the Hon'ble Apex Court, as under:-

“(1) Section 482 CrPC preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognise and preserves powers which inhere in the High Court.

(2) The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of the jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 CrPC. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(3) In forming an opinion whether a criminal proceeding or complain should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

(4) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.”

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

19.01.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No