

CRM-M-43106-2017 (O&M)
Date of decision-18.04.2022

Daljit Singh and othersPetitioners

Vs.

State of Haryana and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Dutt Sharma, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Through this petition, filed under Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.396 dated 24.06.2017 (Annexure P-1) under Sections 148, 149, 447, 506 and 511 of Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioners has referred to the order dated 08.03.2018 and has submitted that the petitioners have been falsely implicated in subject FIR (Annexure P-1). The order reads as under:-

“Present petition under Section 482 Cr.P.C. for quashing of FIR No. 396 dated 24.06.2017, registered under Sections 148, 149, 447, 506 & 511 IPC at Police Station Assandh, District Karnal.

Learned counsel for the petitioners mainly contended that present FIR is nothing but a counter-blast

to the earlier FIR No. 265, dated 05.05.2017, registered under Section 25/54/59 of the Arms Act, 1959 and under Sections 148, 149, 307, 323, 452 & 506 IPC at Police Station Assandh at the instance of family members of the petitioners. Subsequently, complaints were made to the higher authorities that Dr. Suminder Singh from Kalpana Chawla, Hospital, Karnal with the help of Jinder Sarpanch got recorded false report and prepared false medigolegal report and on this account separate FIR has been registered against Dr. Suminder Singh for entering into criminal conspiracy for showing self-inflicted injuries as the injuries caused by the petitioners and their family members.

Notice of motion for 23.04.2018.

On asking of the Court, Ms. Neelam Kashyap, Deputy Advocate General, Haryana accepts notice on behalf of respondent(s) No. 1 to 4. A copy of paper-book be provided to learned counsel for the respondent(s) during the course of the day.

Meanwhile, further proceedings on the basis of present FIR shall remain stayed.”

During the course of hearing, learned counsel for the petitioners has further pointed out that doctors who had given false medical opinion in respect of the injuries suffered by accused in case FIR No.265 dated 05.05.2017, in order to facilitate setting up of a false cross-case at the

instance of the accused, have already been convicted for the said offence through judgment dated 28.02.2019 passed in case FIR No.296 dated 17.05.2017. He submits that in the present case the allegations have been levelled against the petitioners that they attempted to take forcible possession of the land in question. According to him, the registration of the case is nothing but a misuse of the process of law, therefore, the FIR deserves to be quashed.

During the course of hearing, it is not disputed that investigation in subject FIR is yet to be concluded.

Learned State counsel assisted by ASI Randhir Singh has pointed out that since there is an interim stay order operating, therefore, investigation is not in progress.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the perusal of the FIR shows that the necessary ingredients to constitute the alleged offences are present, therefore, it is not a case where the intervention of this Court is warranted for quashing of the FIR. Concededly the investigation in the case is pending, therefore, it is apparent that the petition is pre-mature.

Resultantly, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. at this stage.

Dismissed.

18.04.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No