

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

**CRM-M-38293-2022
Date of decision : 13.12.2022**

Sukhjit Kaur and another **..... Petitioners**

versus

State of Punjab and another **..... Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Jaswal, Advocate
for the petitioners.

Mr. Jaiteshwar Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Prayer is for quashing of FIR No.160 dated 03.08.2011, registered for the offences punishable under Sections 420/465/467/468/471/120-B of IPC at Police Station Navi Baradari, District Jalandhar and all proceedings subsequent thereto on the ground that co-accused who were tried have earned acquittal vide judgment dated 28.03.2018 (Annexure P-6).

The operative part thereof reads as under:-

“xx xx xx

26. In view of my discussion on Points no I and II. I am of the considered opinion that prosecution has failed to prove beyond reasonable doubt the commission of any of the offences under sections 420,465,468,471 IPC read with Section 120-B IPC by the accused Manjit Kaur, Gurpal Dass and Arvind Kumar. Accordingly, accused Manjit Kaur, Gurpal Dass and Arvind Kimar are acquitted from the charges framed against them by giving them benefit of doubt. Bail bonds and surety bonds of the accused Manjit Kaur, Gurpal Dass and Arvind Kumar are discharged. Case property, if any, be

kept in safe custody as accused Inderjit Kumar and Sukhjit Kaur are proclaimed persons. File be consigned to the record room to be taken up as and when accused Inderjit Kumar and Sukhjit Kaur are arrested or surrender before the Court.”

2. Counsel thus submits that once the finding has come that the prosecution has failed to prove the commission of offence beyond doubt, the petitioners shall also be entitled for the same relief and thus FIR in the present case be quashed.

3. In the considered opinion of this Court, acquittal of co-accused may not be a ground for quashing of FIR, though the same may be pressed into service by the petitioners to earn acquittal.

4. At this stage, Mr. Jaswal submits that the petitioners be granted liberty to move appropriate application application seeking exemption from personal appearance.

5. Needless to say this Court is sanguine that in case such application is moved by the petitioners, the same shall be dealt in accordance with law by the trial Court.

6. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

13.12.2022

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Whether speaking/reasoned : Yes

Whether Reportable : No