

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

CRM-M No.36874 of 2022

Date of Decision: 22.08.2022

Smt. Mukesh Devi and others

.....Petitioners

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Mahavir Singh, Advocate
for the petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioners have invoked the jurisdiction of this Court under Section 482 Cr.PC for seeking the quashing of the FIR bearing No.286 dated 10.06.2022 registered at Police Station Sector 27, Sonipat, under Sections 323 and 506 read with Section 34 IPC, with the allegations that they, along-with their co-accused named Ram Kumar, Clerk and Rambir, D.P.E, gave beatings to informant Anil Kumar and caught hold of his neck and tried to kill him and they also abused him.

2. Ms. Ambika Sood, learned Additional Advocate General, Haryana, has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State, in advance and on the instructions from Sub Inspector Kuldeep from the afore-said Police Station, she apprises the Court that the Challan has been prepared in the case and

during the investigation, the above-named two co-accused of the petitioners have been found to be innocent and therefore, their names have been mentioned in column No.2 in the Challan.

3. I have heard learned counsel for the petitioners as well as learned State counsel, at the preliminary stage, in this petition and have also perused the file carefully.

4. Learned counsel for the petitioners contends that the subject FIR is a counter-blast to the FIR bearing No.285 (Annexure P-1) registered at the instance of petitioner No.1 against the afore-named informant at the same Police Station on the same day, under Sections 323, 354-B and 506 IPC and the police has exonerated the above-said two co-accused of the petitioners in this case but the investigation qua them (petitioners) has been conducted in a biased manner and moreover, no injury is reported to have been suffered by the informant in the alleged occurrence and in these circumstances, the said FIR is liable to be quashed.

5. Per contra, learned State counsel argues that sufficient and cogent incriminating material has been found against the petitioners during the investigation and the Challan has rightly been prepared against them and therefore, this petition deserves dismissal.

6. At the very outset, it is worth-while to mention here that informant-Anil Kumar, who was a necessary party for the purpose of seeking the quashing of the afore-said FIR, has not been impleaded as the respondent in the instant petition and this lacuna goes to the roots of the very factum of the maintainability of this petition in the present form.

7. Further, though FIR Annexure P-1 is also shown to have been got registered by petitioner No.1 against the said informant but the fact as to whether the subject FIR (Annexure P-2) is a counter-blast to the same or not, cannot be ascertained at this stage and rather, the same can and shall be looked into and determined by the trial Court at the appropriate stage after appreciating and evaluating the evidence that would be led on the record, during the course of the trial.

8. Then, the factum of the above-named two co-accused of the petitioners having been found to be innocent during the investigation and also as to whether the informant sustained any injuries in the alleged occurrence or not, would again be the subject matter for consideration and adjudication before the trial Court at the relevant stage, in view of the evidence that would be adduced on the file.

9. As a sequel to the fore-going discussion, it follows that the petitioners have not been able to make out a case under any of the eventualities as enumerated under Section 482 Cr.PC.

10. Resultantly, the petition in hand, being devoid of any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

August 22, 2022
pooja

Whether speaking/reasoned:	Yes
Whether Reportable:	No