

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

237

CRM-M-33922-2019 (O&M)

Date of decision: 14.11.2022

RAMESH KUMAR

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Hemant Bassi and Ms. Aashima Narula, Advocates
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for issuance of directions for registration of FIR in respect of the version which has been wrongly registered as cross version in FIR No.102 dated 03.03.2018 registered at Police Station Ratia, District Fatehabad under Sections 148, 149, 285, 307, 302, 506 of the IPC and Section 25, 27 of the Arms Act, 1959 wherein Sections 323, 452 and 201 were added during investigation.

Notice of motion in this case was issued on 21.08.2019, pursuant to which reply dated 26.11.2019 by way of affidavit of Dharambir Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad had been filed.

Learned State counsel makes a reference to paras 4 and 7(p)(t) of the preliminary submissions and paras 6, 10 and 15 of reply of merits, which read thus:-

“4. That police rightly treated the version of petitioner (named as accused in the abovementioned F.I.R.) as Cross-version because same was planted with the sole motive to counter the allegations levied in the above-mentioned F.I.R.

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7(p). That complainant & other respectable appeared before the Superintendent of Police, Fatehabad and accused the police for not taking quick & prompt action against the accused. On the request of complainant, on 14/04/2018, Superintendent of Police, Fatehabad.

(t). That on 07/07/2018, Inspector General of Police, Hisar Range, Hisar transferred the investigation to Superintendent of Police, Sirsa and Superintendent of Police, Sirsa appointed Deputy Superintendent of Police, Ellenabad was appointed as Investigation Officer for conducting free & impartial investigation.

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6. That the contents of para no. 6 of the present petition are admitted only to extent of filing of Final Report u/s 173 Cr.P.C., rest of contents are wrong, incorrect, hence denied specifically. It is incorrect that police have distorted the version and appears to have post timed the statement / version given by the petitioner's side. However, it is respectfully submitted that petitioner himself is named as an accused in the abovementioned F.I.R. and version of petitioner is cross version to the abovementioned F.I.R. Police have duly investigated the entire incident and as per facts & circumstances of the matter, Final Report u/s 173 Cr.P.C. was submitted by the police in the Court. It is further respectfully submitted that on 24/03/2018, petitioner demarcated the place where petitioner kept pistol, live cartridge, empty shell hidden and on the demarcation, one illegal pistol 315 bore, one live cartridge & one empty shell was got recovered which was taken into police possession vide separate seizure memo.

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10. That the contents of para no. 10 of the present petition are matter of record. However, it is respectfully submitted that unwarranted inferences are drawn by the petitioner &

petitioner's side without any justifiable reasons. It is further respectfully submitted that police have duly investigated the entire matter and submitted Final Report u/s 173 Cr.P.C..

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15. That the contents of para no. 15 of the present petition are wrong, incorrect, hence denied specifically. However, it is respectfully submitted that police have duly investigated the entire matter and found the version of the petitioner's side as cross-version.”

Learned State counsel submits that the present petition has been rendered infructuous.

Learned counsel for the petitioner does not dispute the aforesaid position and prays for withdrawal of the petition with liberty to avail of alternative remedy available to the petitioner in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

(AMAN CHAUDHARY)
JUDGE

November 14, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>