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

**CRM-M-43803-2022
Date of Decision: 21.09.2022**

ISHWAR TYAGI AND OTHERS

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Tripathi, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 482 of the Code of Criminal Procedure seeking quashing of the FIR No.183 dated 12.08.2020, under Sections 148, 149, 323, 324, 452, 506 IPC, registered at Police Station Chhainsa, District Faridabad.

Learned counsel for the petitioners has submitted that in the present case the allegations against the petitioners were that the petitioners had caused injuries to the complainant who is his son-in-law and vague allegations have been made which are in fact a counter blast to the earlier FIR which was lodged at the instance of the petitioners against respondent No.2 vide Annexure P-2 which is FIR No. 216 dated 06.08.2020. He further submitted that since it is a case of a counter blast and no injuries were caused to anybody, the further continuation of the prosecution against the petitioners will be an abuse of the process of law and therefore, the FIR is liable to be quashed at the threshold.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has stated that he has received an advance copy of the present petition and has also sought instructions. He submitted that investigation of the case has already been completed and challan has been presented, although charges have not been framed as yet. He further submitted that argument raised by the learned counsel for the petitioners that no injuries were inflicted is wrong in view of the fact that as per the MLR there were three injuries and the police has properly investigated the case and thereafter, the report under Section 173 Cr.P.C was filed. He submitted that the argument raised by the learned counsel for the petitioners that the present FIR was a counter blast would not be sustainable in the present case since this is a disputed question of facts and the same can be adduced as an evidence at the time of trial and it is not a fit case for quashing of the FIR at the threshold since the case does not fall within the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana Versus Ch. Bhajan Lal and others [1991(1) RCR (Criminal) 383]***. Therefore, no ground is available with the petitioner for quashing of the present FIR.

I have heard the learned counsel for the parties.

The argument which has been raised by the learned counsel for the petitioners was that the present FIR No.183 dated 12.08.2020 is a counter blast of the other FIR and that no injury was caused to the complainant has in fact been opposed by the learned State counsel by specifically stating that as per the MLR, three injuries were caused and apart from the same, so far as the argument that the present FIR was only a counter blast is purely a disputed question of facts which can be seen only

at the time of trial by way of adducing evidence. The present case does not fall within the parameters laid down by the Hon'ble Supreme Court in *State of Haryana Versus Ch. Bhajan Lal and others (Supra)*.

Therefore, the present petition is devoid of any merit and the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No