

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46066-2021
Date of decision: 12.01.2022

Gurdeep Singh & others
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
97	21.10.2000	Phul, District Bathinda	452/380/295-A/323/506/148/149 IPC

The petitioners, one of whom is 94 years of age, arraigned as accused in the above captioned FIR, which was registered against them way back on 21.10.2000, have come up before this Court under Section 482 CrPC for quashing of the FIR.

On 21.10.2000, based on the statement of Gurdial Singh, Granthi, the police registered FIR captioned above. It was alleged by the complainant that about three months back, somewhere in July, when he was present in his house, the petitioners-accused armed with Gandasa, Sword and sticks, entered in his residence and threatened him to leave the Gurudwara Sahib or they will kill him. They also scuffled with him. The complainant told them that he was the Mahant of the Gurudwara Sahib and will not leave the Gurudwara. They dragged him out of the Gurudwara Sahib, upon which he raised alarm. On hearing his shrieks, Surjit sikh and Harpreet Singh asked them not to kill him, whereupon they fled away. Based on this, the police registered the FIR captioned above.

Aggrieved by the pendency of the FIR for the last more than two decades, the petitioners-accused have filed the present petition under Section 482 CrPC.

In the reply filed by way of affidavit of Paramjeet Singh, D.S.P. Sub Division Phul, District Bathinda, to the quashing petition, it has been stated that during investigation, the FIR in question was found to be false and the police prepared untraced report on 04.02.2003, but the learned Magistrate did not accept the same and directed re-investigation of the case. After the investigation, the police again did not find any evidence and decided to file cancellation report, however, the file went missing and the same could not be traced. It has further been stated that the complainant Gurdial Singh has expired and the petitioners are not required in the FIR in question.

As per the FIR, on its face value, there is sufficient delay in registering the same, as the incident had taken place around three months ago. In the initial investigation as well as in the subsequent investigation, the police did not find any truth in the FIR and decided to file cancellation report. However, since the file went missing, it could not be done. The petitioners having their no fault, the FIR remained pending against them.

Thus, in the entirety of facts and circumstances peculiar to this case, there is no justification for the FIR to be kept pending and this is a fit case where the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure need to be invoked to quash the FIR mentioned above.

Keeping in view the nature of allegations against the petitioners, delay in lodging the FIR, as well as untraced report being filed, and the complainant being no more, the present petition is allowed. The FIR captioned above is hereby quashed. The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

January 12, 2022
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No