

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36403-2019 (O&M)
Date of Decision:-24.8.2022

Jagtar Singh and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking quashing of FIR No. 65 dated 26.8.2018, Police Station Badali Ala Singh, District Fatehgarh Sahib, under Sections 452, 323, 325, 506, 148, 149 of the Indian Penal Code.
2. The FIR in question was lodged at the instance of Balbir Singh wherein it is alleged that about 15 years ago, he had purchased land near house of Balwinder Singh and has been in possession of the same since then. On 24.8.2018, when he was getting a gate installed in the said property with the help of mason, then Gurjant Singh confronted him that the place where he was raising construction was a street and does not belong to him to which the complainant replied that he had always been using the said part of the land. It is alleged that later at about 4 p.m. on the same day, Gurjant Singh, Jagtar Singh, Davinder Singh, Major Singh and Manpreet Singh came there and Jagtar Singh and Gurjant Singh raised a *lalkara* that they will today teach a lesson to Balbir Singh for raising a dispute every day and for not stopping construction of the wall. The aforesaid persons were stated to be

carrying sticks. The said persons after entering the main gate of the house of the complainant manhandled him. Gurjant Singh is stated to have given a fist blow to the complainant and threw him down by pushing him. While the complainant was lying fallen, the accused kicked him. When the complainant raised alarm, then his son Balkar Singh, Nirmal Singh, Ex-Sarpanch and Norang Singh came there. It is alleged that the said persons also inflicted injuries to Nirmal Singh and Norang Singh and when they all raised alarm, several other persons were attracted to the spot and upon seeing persons gathering, the accused fled away from the spot alongwith their weapons.

3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that there is nothing on record to substantiate the allegations, as levelled in the FIR, which are actually an outcome of a political rivalry. It has further been submitted that the FIR is also a counterblast to a complaint under Sections 323, 324, 342, 506, 148, 149, 295-A IPC and Section 25 of the Arms Act (Annexure P-3) which had been filed previously by accused Jagtar Singh against several persons of the village including the complainant Balbir Singh.
4. I have considered rival submissions addressed before this Court and have also perused the FIR.
5. A perusal of the FIR would reveal that the complainant has levelled allegations in unambiguous terms to the effect that the accused have inflicted injuries to him by entering into his house. The accused, who were numbering five, were carrying sticks. It is well settled that the Court while considering the quashing of FIR in exercise of its inherent jurisdiction under

Section 482 Cr.P.C. is broadly to examine as to whether the allegations, as levelled in the FIR would constitute criminal offences, as alleged or not. As noticed above, there are specific allegations to the effect that the accused had inflicted injuries to the complainant after entering his house. Since the accused were five in number and had together entered into the house of the complainant, armed with sticks etc. and have also caused injuries, the offences, as alleged in the FIR can safely be said to be attracted so as to set the criminal machinery in action. It will be a matter of investigation or trial to assess the genuineness of the said allegation which would required to be assessed on the basis of evidence, which may be collected. This Court, while considering quashing of FIR in exercise of its inherent power is not expected to embark upon a mini trial to assess the veracity of the allegations.

6. In view of the aforesaid discussion wherein the allegations, as levelled in the FIR, do *prima facie* constitute the offences as alleged, no case for quashing of the FIR is made out.
7. The petition is sans merit and is hereby dismissed.

24.8.2022

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(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking
Whether reportable

Yes / No
Yes / No