

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

CRM-M-48051-2022

Date of Decision: 12.12.2022

Devender @ Forman

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sukesh Kumar Jindal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

The petitioner seeks quashing of FIR No. 190 dated 30.04.2022 under Sections 148, 149, 323, 325, 427, 379-B and 506 IPC, registered at Police Station Sadar Tauru, District Nuh and all consequential proceedings arising therefrom.

Learned counsel for the petitioner would submit that the very registration of the FIR is an abuse of process of law; that as a matter of fact, the petitioner while returning home from his fields on 27.04.2022, had been caught hold of by Ashok and Hans Raj and respondent No.5-Vikas had given a knife blow on the shoulder of the petitioner and also attacked on his backbone; that the petitioner got himself medico legally examined on the same day i.e. 27.04.2022 at the Community Health Centre, Nuh, and three injuries were found on his persons; that initially, the police did not register any FIR regarding the said occurrence, but with great efforts and after

moving representation(s) by the sister and brother of the petitioner, FIR No.324 dated 02.08.2022 under Sections 148, 149, 323, 324, 341 and 506 IPC was registered at Police Station Sadar Tauru, District Nuh, against respondent No.5-Vikas, Neelam, Hans Raj, Ashok and Bal Kishan.

It is the vehement contention of the learned counsel for the petitioner that occurrence in which the petitioner had received injuries, took place on 27.04.2022, but respondent No.5 and the co-accused of FIR No. 324 aforesaid, were having hand-in-glove with the police, which is why no FIR was registered by the police initially and that it was after great efforts that the FIR was lodged, but only on 02.08.2022. It is further contended that the accused, including respondent No.5, in FIR No. 324 aforesaid, managed to delay the matter and rather respondent No.5 got FIR No. 190 aforesaid registered against the petitioner and others, so as to negate the occurrence in which, as stated above, the petitioner had received three injuries; that till date, the police has not recorded any statement of the petitioner in FIR No.324 aforesaid and though the offences under Sections 326 and 307 IPC were attracted, but no such Sections were added in the said FIR by the police deliberately.

I have heard the learned counsel for the petitioner, but I do not find any merit in the present petition.

It is the case of the petitioner as reflected in Para 5(d) of the petition itself, that at the most, when both the parties had received injuries in the same occurrence, the Court is yet to decide as to which party was the aggressor one. Admittedly, two

FIRs, one at the instance of the petitioner and other at the instance of respondent No.5, have been registered. Merely because, registration of the FIR at the instance of the petitioner was delayed by the police, is no ground to quash the FIR got registered by respondent No.5. Moreover, there is no material on record to suggest that registration of the FIR No.190 aforesaid is an abuse of process of law. Whether or not the FIR got registered by respondent No.5, against the petitioner was with a view to negate the version of the petitioner, cannot be decided in these proceedings and the petitioner will have an opportunity to lead his evidence in this regard, before the trial Court.

It is settled law that the invocation of the inherent jurisdiction under Section 482 Cr.P.C. is to be done in exceptional cases, where on basis of the facts on record, it appears that the prosecution launched against the accused is an abuse of process of law.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

12.12.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No