

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

(264)

**2023:PHHC:087048
CRM-M-24026-2018(O&M)
Date of Decision: 12.07.2023**

Durga Dutt Sharma & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE PANKAJ JAIN.

Present:- Mr. M.R. Sharma, Advocate for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN.J (Oral)

Present petition has been filed praying for quashing of FIR No.158 dated 4.5.2018 under sections 323, 34, 506 IPC registered at Police Station, Sector 56, Gurugram along with all the subsequent proceedings arising therefrom.

The allegations levelled in the FIR read as under:-

“FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.)

Police Station: SECTOR 56 District: GURUGRAM

F.I.R. No.158

Date: 04.05.2018

Year: 2018

U/s 323, 34, 506 I.P.C.

12. FIR Contents:-

To,

The Commissioner of Police

Gurugram.

Subject: Application regarding registration of case against D.D. Sharma, Secretary, Society and 8 other guards for abusing, giving beatings and threat to kill.

Sir,

That I, Satyajeet S/o Prakash Chand R/o Flat No.2 B, Block-5, Rail Vihar, Sector 56, Gurugram is residing since 15 years and regularly paying for Cleanliness, Security and Maintenance charges. On date 06.04.2018 when I returned to my home at Rail Vihar Society from my work then three guards were standing on the gate, I asked that where is fourth guard, then guard at the gate said that he has gone to back side and he sat in my car and went to back side of society to show the guard. On the way D.D. Sharma, Secretary of Society was standing. When I blow the horn he came in front of car and he gave a blow on the bonnet of my car. That D.D. Sharma was earlier in enmity with me because a case vide FIR No.249 dated 13.10.2007 U/s 292, 293, 506, 511 I.P.C. at Sector 56, Gurugram was registered against his children for obscene gesture and showing bad films. In this matter I have also opposed his gestures. When I came out of the car he thrashed me and asked why you have blew horn and started abusing me by saying that today I will teach you and you will forget all the checking. After that above mentioned D.D. Sharma called over phone and called all guards from gate and four guards from adjoining society. That they were holding 'Dandas' and 'Lathis' in their hands, one guard Sandeep was holding grass cutting sharp edged arm/ instrument. When they reached D.D. Sharma said them kill him and today this bloody should not let live. After that all the guards started giving me beatings, guard Sandeep gave a blow on my head from that arm/ instrument which he was holding in his hand, D.D. Sharma took a 'Lathi' from a guard and gave a blow on my head. Because of it I started bleeding. One of the above mentioned guards removed the key from my car and all the guards and D.D. Sharma gave me beatings very badly with 'Lathis', 'Dandas' and sharp edged arm. On seeing this passers by persons intervened and saved me from these persons. On getting released from them I ran towards my house and then all above mentioned persons chased me and these above mentioned persons said that today you was saved but in future if you met will kill you. On of the person who have intervened called the police and police arrived on the spot. After that police took away to me in their vehicle at Police Station Sector 56 Gurugram. Then on seeing me in pool of blood and injuries S.H.O. sent me to hospital along with a policeman and there was got treatment. MLR, CT Scan and photos of injuries are enclosed. Sir because of above mentioned

persons my life and life of my family members is in danger till now and above mentioned persons can happen any incident with me and they are threatening me to implicate me in a false case.

Therefore it is requested that case be registered against above mentioned persons under relevant sections of and sternest legal action be taken against them.

I shall be very much thankful to you.

Sd/-

*Satyajeet
S/o Prakash Chand
R/o Flat No.2 B, Block-5,
Rail Vihar, Sector 56,
Gurugram.
Mobile No.8527493144*

CERTIFIED TO BE TRUE RELEVANT TRANSLATED COPY”

3. Counsel for the petitioners submits that from the status report filed by the police authorities in the pre-arrest bail preferred by the petitioners, it is evident that there was no application moved by the complainant and thus the present FIR needs to be quashed.

4. In the considered opinion of this court, the afore stated facts given by counsel for petitioner cannot constitute a ground for quashing of impugned FIR in the present petition.

5. This court is satisfied from the bare reading of the FIR that the same discloses a cognizable offence and thus the same does not fall within the parameters of law laid down by the Hon'ble Apex Court in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** that would persuade this court to exercise its jurisdiction under Section 482 Cr.P.C.

In view of the above, present petition is dismissed.

(PANKAJ JAIN)
JUDGE

12.07.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No