

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

247

CRM-M-44194-2021

Date of Decision: 21.02.2023

Khushi Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.R. Narwal, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Seeking quashing of the FIR No.106 dated 20.06.2019 registered under Sections 323, 341, 506, 34 IPC at Police Station Behal, District Bhiwani and the order dated 29.02.2020 passed by the learned Sub Divisional Judicial Magistrate, Loharu, the accused-Khushi Ram has come up before this Court.

It would be appropriate to reproduce the impugned order dated 29.02.2020, which reads as follows:-

“Today the matter was fixed for arguments on charge. Heard. From the police report under Section 173 CrPC and other documents on record, a prima facie case punishable under sections 323, 341, 506 r.w. 34 of IPC is made out against the accused Sombir and Kamlesh. They have been charge-sheeted accordingly, whereas the only allegation levelled against the accused Khushi Ram is that he threatened the complainant with dire consequences on 17.06.2019 which prima facie shows the commission of offence punishable under section 506 IPC. Accused persons pleaded not guilty and claimed for trial. Now to come up on 04.07.2019 for evidence of prosecution. Pws be summoned accordingly.

The concerned Sub Divisional Judicial Magistrate himself stated that prima facie case punishable under Sections 323, 341, 506 read with 34 IPC made out against the accused/Sombir and Kamlesh and after that he specifically stated that the allegations against Khushi Ram were of threatening the complainant.

The allegations of threatening against the accused were of 17.06.2019, whereas the incident is of 19.06.2019, based on which the FIR was registered on 19.06.2019, against Sombir, Kamlesh and Khushi Ram.

Given above, on 17.06.2019 the only allegations against the petitioner were to cause threat punishable under Section 506 IPC which were not cognizable. Consequently, the present petition is allowed and FIR and consequential proceedings including the impugned order dated 29.02.2020 stand quashed, qua petitioner-Khushi Ram. Bail bonds of the petitioner are accordingly discharged.

Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.02.2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no