

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-40754-2015  
Reserved On: 14.09.2023  
Pronounced On: 19.09.2023

Harsimran Singh

.....Petitioner

Vs.

State of Punjab & Another

.....Respondents

**CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: - Mr. C.K. Singla, Advocate with  
Ms. Tarranum Madan and Mr. Aditya Partap,  
Advocates for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

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**DEEPAK GUPTA, J. (ORAL)**

By way of this petition filed under Section 482 Cr.P.C, petitioner prays for quashing of FIR No.16 dated 06.04.2014 registered at Police Station Division No.6, Jalandhar under Sections 160, 323, 324, 34, 148, 149 of the IPC (Annexure P-1) and all subsequent proceedings arising therefrom in case titled as 'State Versus Vardan Ram & Others'.

2. Reply by way of an affidavit of Shri Karanveer Singh, PPS, Assistant Commissioner of Police, (Model Town) Jalandhar has already been filed on behalf of respondent- State.

3. As it emerges, there are two versions.

(i) First version was lodged on the statement of Constable Gurpreet Singh (respondent No.2), as per which on 05.04.2014 at about 08:30 p.m. he along with Constable Sukhwinder Singh was present at beat No.2 near Bread Basket, Model Town, Jalandhar, when he found petitioner Harsimran Singh and his brother Bikramjit Singh, having a quarrel with Vardan Rampal, Raman Kumar, Shakar

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Ahmed and 15-20 other unidentified persons. Quarrel on the road was creating disturbance to the smooth running of public life. It was also alleged by him that all these persons were armed with sharp edged weapons like base bat, *dangs & sotas* etc. On this version, FIR was registered under Section 160 of the IPC.

(ii) The second version was recorded on the statement of Harsimran Singh i.e., petitioner, as per which he and his brother Bikramjit Singh were caused grievous injuries with various kinds of weapons by Vardan Rampal, Raman Kumar and Shakar Ahmed etc., when he (Harsimran Singh) and his brother had raised objection about a barrier put on the road. The medico legal reports along with the X-ray reports revealed that 07 injuries were caused on the person of petitioner Harsimran Singh, out of which 06 were declared grievous; whereas 07 injuries were found on the person of his brother Bikramjit Singh, out of which 06 were declared grievous. Although Vardan etc. i.e., other party also alleged to have been caused injuries but during investigation, petitioner Harsimran Singh submitted a pen drive containing CCTV footage of the incident, perusal of which revealed that petitioner and his brother Bikramjit Singh were not carrying any weapons. Besides, the medical opinion revealed that injuries to Vardan and Shakuru Ahmed were not ruled out to be self-inflicted.

4. After concluding the investigation, final report under Section 173 Cr.P.C. was filed not only against petitioner Harsimran Singh so as to prosecute him under Section 160 of the IPC, but in the same report under Section 173 Cr.P.C., the opposite party i.e., Vardan etc. were sought to be prosecuted under Sections 323, 324/ 34 of the IPC.

5. Seeking quashing of the FIR and the subsequent proceedings qua the

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petitioner, it is contended by learned counsel that victim of the crime has been made as an accused by the police. It is the petitioner, who had protested regarding the private barricade put on the road, which was causing hindrance in the movement of traffic and because of that protest, petitioner and his brothers were caused grievous injuries by the other party i.e., Vardan etc. The CCTV footage clearly revealed that petitioner and his brother were not armed with any weapon and thus, no offence is made out against them and that FIR and the subsequent challan against the petitioner is sheer misuse of process of law, as the petitioner, instead of being made as a witness to the challan, has been wrongly arrayed as an accused.

6. Learned State counsel opposes the petition by submitting that after investigation, challan has already been filed and that petitioner is found to have committed offence under Section 160 of the IPC along with his brother Bikramjit Singh.

7. I have considered submissions of both the sides and have perused the record.

8. In **State of Haryana And Ors vs Ch. Bhajan Lal, 1992 AIR 604**, Hon'ble Supreme Court has laid down guidelines as to in which cases, quashing of FIR can be allowed. It was held as under:

*“8.1. In the exercise of the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure, the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guide- in myriad kinds of cases wherein such power should be exercised:*

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*(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;*

*(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under [Section 156\(1\)](#) of the Code except under an order of a Magistrate within the purview of [Section 155\(2\)](#) of the Code;*

*(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;*

*(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under [Section 155\(2\)](#) of the Code;*

*(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;*

*(f) where there is an express legal bar engrafted in any of the provisions [of the Code](#) or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in [the Code](#) or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

*(g) where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

9. Having considered submissions of both the sides and applying the legal position to the facts of present case, I find merit in this petition.

10. After perusing the report under Section 173 Cr.P.C (Annexure P-6)

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and the reply of the respondent- State, this Court finds that present case is fully covered under guidelines No. (c) & (e) of the above said ***Bhajan Lal's*** case, inasmuch as the allegations contained in the FIR to be read with the evidence collected in support of the same, do not disclose commission of an offence against the petitioner. Simply because he & his brother had made protest regarding a private blockade put on the road, which was causing obstruction to the traffic, will not make out a case of affray against him. Further, the allegations in the FIR and the investigation conducted qua the petitioner would reveal that the allegations made in the FIR or complaint are so improbable that no prudent person would come to the conclusion that there is sufficient evidence to proceed against the petitioner.

11. Not only above, it is the petitioner who along with his brother were severely assaulted by the co-accused Vardan etc., which resulted in causing as many as 06 grievous injuries each and 01 simple injury each upon the person of the petitioner and his brother. Instead of making the petitioner as a witness to the case, he has been arrayed as an accused.

12. Having regard to all the aforesaid discussion, this petition is accepted. FIR No.16 dated 06.04.2014 registered at Police Station Division No.6, Jalandhar under Sections 160, 323, 324, 34, 148, 149 of the IPC (Annexure P-1) and all other subsequent proceedings arising therefrom in case titled as 'State Versus Vardan Ram & Others' are hereby quashed qua the petitioner only.

September 19, 2023

Neetika Tuteja

(DEEPAK GUPTA)  
JUDGEWhether Speaking/reasoned  
Whether ReportableYes/No  
Yes/No