

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-M-25727-2021

Date of decision: 16.03.2023

Sheela Rani and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Inderjeet Singh, Advocate
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Deepanshu Mehta, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking quashing of FIR No.117 dated 21.06.2021 under Sections 352 and 506 of the IPC registered at Police Station Radaur, District Yamuna Nagar along with all subsequent proceedings arising out of it.

Learned counsel for the petitioners, while drawing the attention of this Court to the allegations levelled in the FIR in question, *inter alia* contends that the false implication of the petitioners is evident from the fact that not only was there an unexplained delay in the lodging of the FIR but on the face of it, a totally absurd and improbable version had been brought forth therein. He submitted that on 29.04.2021, the burnt heap of animal fodder was found in the fields of the petitioners. Resultantly, petitioner No.1 made a complaint to the police on the next day, i.e. 30.04.2021, leading to the registration of the

FIR No.82 dated 08.05.2021, annexed as Annexure P-1. Learned counsel submits that had the intention of the petitioners been otherwise, they would have implicated the opposite party in the aforesaid FIR as admittedly there was a land dispute pending between them, however, they fairly did not name anyone as they had not witnessed anyone much less the opposite party burning the fodder in their fields. Learned counsel submits that thereafter respondent No.2-complainant came up with a false version that on account of a short circuit, animal fodder lying in the fields of the petitioner had caught fire and burnt for which he had offered to pay Rs.10,000/- but the same was returned by petitioner No.2 who had instead asked him to be a witness by alleging that the animal fodder had been burnt on account of a mischief played by Shyam Sunder son of Rishpal, else petitioner No.1 would level allegations of molestation against him. It has been submitted that even otherwise a perusal of the FIR clearly indicates that no offence under Section 352 of the IPC is made out and as far as petitioner No.3 is concerned, there is no allegation much less by way of a whisper qua his role in the alleged crime.

Per contra, learned State counsel assisted by learned learned counsel for respondent No.2-complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the complainant and petitioner No.2 are relatives. There is a civil litigation pending between the parties. On 27.04.2021, a dispute had arisen between the petitioners and Pooja Datta and others with respect to the cultivation of the land. Petitioner

No.2 gave a false information to the police that some outsiders armed with weapons had encroached upon his land. The police on reaching the spot did not find any truth in the information received qua the alleged encroachment by outsiders, upon the land, with weapons, and it was found that Pooja Datta and others had only been cultivating their land as they were co-sharers in the land. Compromise was thereafter effected between the parties on 07.09.2021 which was not honoured by the petitioners as a result of which a dispute again arose between the parties. DDR No.18 dated 28.04.2021 was also registered in the Police Station Radaur. Learned State counsel further submitted that a thorough investigation was carried out after the registration of the FIR in question and enough evidence in the form of video recording etc. had been collected wherein the petitioners were clearly seen extending threats not only to the complainant party but also to the police officials who had come to the spot.

The power of this Court under Section 482 of the Cr.P.C. is no doubt wide, but has to be exercised with a great deal of circumspection and caution. Quashing of an FIR and criminal proceedings emanating therefrom can be ordered only in those cases where on a perusal of the allegations levelled by the complainant, are patently implausible and even if accepted in their entirety, would not constitute the offence(s) alleged.

A bare perusal of the allegations levelled in the FIR prima facie reveals that serious and specific allegations have been levelled against petitioner No.2 of having extended threats of dire consequences

to the complainant, in case he did not give a false statement against one Shyam Sunder. Still further, a specific allegation has been levelled against petitioner No.1 of having threatened the complainant with false implication in a case of molestation. As also submitted by the learned State counsel, enough material was collected during investigation qua the prima facie involvement of the petitioners in the crime in question. The contentions of the learned counsel for the petitioners that false and fabricated allegations had been levelled against the petitioners cannot be delved into at this stage as it would be only during trial, when both the parties lead their respective evidence, the truthfulness or otherwise of the allegations levelled in the FIR in question would be considered by the Trial Court.

This Court thus, does not deem it fit to invoke its inherent jurisdiction under Section 482 of the Cr.P.C. and quash the FIR in question. Accordingly, the instant petition is hereby dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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