

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30042-2022

Reserved on: 21.08.2023

Pronounced on: 25.08.2023

Sanjay Dahiya

. . . . Petitioner

Vs.

State of Haryana and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Ms.Perna Malhotra, Advocate, for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana,

DEEPAK GUPTA, J.

Prayer in this petition, filed under Section 482 Cr.P.C., is to quash FIR No.0092 dated 09.03.2017 registered at Police Station Sonipat Sadar, District Sonipat under Sections 323, 325, 34 & 506 IPC and all the subsequent proceedings arising therefrom.

2. It is contended by ld. counsel that FIR is based on the false MLR of the complainant prepared in collusion with the medical officer. Still further, it is argued that civil litigation regarding the property in dispute is already pending between the parties and so, the FIR be quashed.

3. (i) Opposing the petition, ld. State counsel has drawn attention towards contents of the FIR, which was lodged on the statement of Sonia wife of Sandeep, as per which petitioner along with co-accused caused injuries to her and even humiliated her by tearing her clothes. Though the occurrence had taken place on 06.03.2017, but the FIR was lodged after receipt of the X-ray report, which revealed that one of the injuries on the

person of complainant was grievous in nature as fracture of left scapula was found.

(ii) Still further, it is pointed out by ld. State counsel that after noticing the contention of the petitioner to the effect that MLR relied by the opposite party was forged, this Court had directed the respondent/State to verify the said fact. Status report in this regard was filed by way of affidavit of Assistant Superintendent of Police, Kharkhoda, Sonipat, as per which the MLR of injured Sonia was genuine, having been prepared by Medical Officer, General Hospital, Sonipat, which revealed that one of the injuries mentioned in the FIR was a fracture on the basis of which Section 325 IPC was invoked. Dr. Rahul, who prepared the MLR also stated that the said MLR bears his signature.

4. In *State of Haryana and others Vs. Ch. Bhajan Lal and others*” 1992 AIR 604, Hon’ble Supreme Court has laid down the guidelines as to the cases in which High Court can exercise its extraordinary power to quash the FIR under Section 482 Cr.PC. 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 of myriad kinds of cases wherein such power should be exercised:

“(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 mala fide 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.”

5. Having regard to the specific role attributed to the petitioner and the fact that allegations find corroboration from the Medico Legal

Report, which has been found to be genuine on verification by the Court, this Court finds that this case is not covered under any of the aforesaid guidelines for quashing of the FIR. Simply because there is some civil litigation pending between the parties, it cannot be the ground to quash the FIR.

6. Consequently, the present petition is hereby dismissed. It is without expressing any opinion on the merits of the case, which is to be decided on basis of evidence to be produced during trial.

(DEEPAK GUPTA)
JUDGE

25.08.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No