

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CRM-M-24173-2019
Date of decision: 19.12.2023

ANAND PAL

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Vishal Yadav, Advocate
for respondent No.2.

KULDEEP TIWARI. J.(Oral)

Through the instant petition, prayer is made for quashing of DDR/Kalendra No.17 dated 05.12.2018, under Section 189 IPC (Annexure P-2), registered at Police Station Civil Line, Hisar, against the petitioner.

The perusal of the Kalendra reveals that, it pertains to an incidence dated 15.11.2018, wherein, the allegation against the petitioner is that the petitioner has created hinderance in discharge of official duties, that too in a Police Station.

Per contra, learned counsel for the petitioner submits that the petitioner in fact, was at Police Station along with complainant Monika Rani, who is close relative i.e. niece, and it was the Police officials, who were pressurizing her to withdraw the FIR No.72, under Section 377, 354-A, 323, 406, 506, 498-A and 34 IPC, which was registered at her instance. This act of the Police was

opposed by the petitioner, therefore, the present Kalendra was filed against the petitioner on the basis of false allegations and the institution of Kalendra is a clear abuse of process of law, and it is a counter-blast to the agitations made by the petitioner at the relevant time of occurrence for the illegal act of the Police. Learned counsel for the petitioner further submits that the material evidence i.e. the CCTV footage, which could prove the veracity of the allegations as levelled in the Kalendra has been withheld, and even in the reply, which has been filed by the learned State counsel, to the instant petition, the contention raised by the petitioner has not been rebutted. In fact a lame excuse has been raised that the recording of the CCTV footage is not available.

The issue which has been raised by learned counsel for the petitioner requires thorough appreciation of evidence, which is yet to be produced by the prosecution before the learned trial Court concerned. Therefore, this Court in exercising its powers under Section 482 Cr.P.C is not in a position to appreciate the evidence, at this early stage, which is yet to be led before the learned trial Court concerned.

At this stage, learned counsel for the petitioner submits that he may be allowed to withdraw the instant petition, however, he may be granted liberty to raise all the pleas, as raised in the instant petition before the learned trial Court concerned at an appropriate stage. Learned counsel for the petitioner further submits that the petitioner unnecessarily has to face the agony of the trial, as it is a clear-cut case of atrocity by the Police, that too against a person who was pursuing for his rights.

Be that as it may, the asked for liberty is granted.

The instant petition is disposed of as withdrawn with the aforesaid

liberty. Further in case the petitioner files any application for exemption before the learned trial Court concerned, the learned trial Court concerned shall consider his request within the parameters of law, but most sympathetically.

19.12.2023
amandeep

(KULDEEP TIWARI)
JUDGE

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