

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

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2023:PHHC:102557

CRM-M-28259-2023

Date of decision: August 8th, 2023

Joginder Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parshant Sethi, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking quashing of FIR No.535 dated 04.12.2022 under Sections 148, 149, 323, 506 of the Indian Penal Code, 1860 registered at Police Station Kheripul, District Faridabad and the consequential proceedings arising out of the same.

2. Learned counsel for the petitioner, *inter alia*, contends that a false and fabricated case has been foisted upon the petitioner on account of a dispute between the parties, who are immediate neighbours. He submits that though the occurrence in question took place on 25.11.2022, however, the unexplained delay of almost ten days in the lodging of the FIR clearly hinted towards a concocted version having been brought forth and the FIR in question being a counterblast to an FIR which already stood registered against the opposite party at the instance of the petitioner. It has been further submitted that the occurrence in question had in fact never taken place and injuries sustained by the complainant were self-inflicted.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the allegations levelled in the

FIR, which has been annexed as Annexure P-1.

4. No doubt, this Court has wide powers under Section 482 Cr.P.C. but they have to be exercised sparingly and with a great deal of circumspection. Perusal of the allegations levelled in the FIR, *prima facie*, reveal that the petitioner along with co-accused came to the spot armed with sticks and thereafter launched an unprovoked attack on the complainant party as a result of which they received various injuries. Subsequent to the registration of the FIR in question, final report under Section 173 (2) Cr.P.C. stands presented, which has been annexed as Annexure P-6. A perusal of the said report reveals that since injured Lal Singh had suffered a fracture, offence under Section 325 IPC was added. Besides this, an offence under Section 201 for destruction of evidence was also added in the case in hand. The submissions made by the learned counsel of a false case having been planted upon the petitioner and the injuries on the complainant party being self-inflicted cannot be delved into by this Court while exercising its inherent jurisdiction under Section 482 Cr.P.C. The authenticity or otherwise of the allegations levelled in the FIR would be tested during trial on the touchstone of cross-examination when the parties lead their evidence.

5. The instant petition, therefore, stands dismissed.

6. 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.

August 8th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No