

CRM-M-39932-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 16.08.2023

Gurinder Singh

....Petitioner

V/s

State of U.T. Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Lokesh Vohra, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. P.P. Chandigarh for respondent No.1.

ARUN MONGA, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.101 dated 02.08.2022 (Annexure P-1), registered under Sections 406 IPC at Police Station Manimajra District Chandigarh and charge-sheet dated 07.01.2023 under Section 411 IPC (Annexure P-2).

2. Per FIR, Sushil Kumar (respondent No.2 herein) complained that on 01.08.2022, he requested his driver, the petitioner herein to drop him to House No.6399/A Rajeev Vihar, Manimajra in his car. Petitioner thus drove the complainant to the said house. When he returned and came out, he neither found the car nor the petitioner as both were missing. An FIR was registered. On 03.08.2022, petitioner was apprehended by Delhi Police near US embassy and was handed-over to Chandigarh Police on 04.08.2022. Currently, petitioner is on bail as undertrial.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. He further submits that police version that petitioner was caught in Maharani Bagh, Delhi, is a sheer lie. Learned counsel for petitioner further submits that even petitioner had filed a criminal complaint against complainant bearing No.CRL MISC/1038/2023 (Annexure P-4) under Section 156 (3) Cr.P.C. for registration of FIR against the complainant for

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registering a false complaint. Conclusion of trial will take long time, thus, FIR in question deserves to be quashed.

4. Learned State counsel, on instructions from SI Rajesh Kumar, submits that out of 8 prosecution witnesses, 2 have already been examined. He further argues that at this belated stage, no ground is made out to quash the FIR in question.

5. Arguments heard.

6. It is settled position in law that power of quashing a complaint/FIR should be exercised sparingly with circumspection. Quashing of a complaint/FIR should be an exception rather than an ordinary rule. While examining an FIR/complaint, this Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint. It would be premature to pronounce the conclusion based on hazy facts of the complaint/FIR. Whether the allegations are true or not, would have to be decided in the trial. In exercise of power under Section 482 Cr.P.C., this Court would generally refrain to examine the correctness of the allegations in FIR, except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence. I am of the view that instant case is not one which should be quashed at its inception itself, without the trial.

7. In view of aforesaid, present petition is disposed of with a request to expedite the trial.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 16, 2023
Ajay

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