

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

CRM-M-51542-2019

Date of decision: 16. 01.2023

Rohit Sharma and others

.... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by: Mr. Om Pal Sharma, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Yash Dev Kaushik, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.

Petitioners by way of present petition filed under Section 482 Cr.PC are seeking quashing of FIR No.509 dated 05.09.2019 registered for the offences under Sections 323, 34 and 506 IPC at Police Station Ballabhgarh City, District Faridabad.

Learned counsel for the petitioners has vehemently argued that the FIR in question (Annexure P-2) was registered at the instance of respondent No.2 as a retaliation to FIR No.497 dated 30.08.2019, which was registered against the respondent and her family members prior in time. Learned counsel submits that in fact it was the respondent and her family members, who on 25.08.2019 at about 9.00 pm along with 10-15 persons entered the house of petitioner No.4 in an inebriated condition. Thereafter, they inflicted injuries on the women folk and children of his family with hammer, which they were carrying at the relevant time and also committed robbery. Not only this, the complainant party tried to strangle petitioner

No.4 Manju Sharma and also inappropriately touched her. As a result of their attack, petitioners No.1 and 2 Rohit Sharma and Tarun Sharma and his other family members received various injuries. Learned counsel further submits that soon after the alleged occurrence, medico-legal examination of petitioners No.2 and 4 was conducted. It has been further submitted that the FIR in question was lodged, which was lodged later in time to the FIR registered by the petitioners, a totally false and fabricated account had been given by the complainant party, for reasons but obvious i.e. to create evidence in their favour and also to wriggle out of the offences, which had been committed by them. A prayer, therefore, has been made for quashing of the FIR (Annexure P-2).

Per contra learned counsel for the complainant has vehemently opposed the prayer made by counsel opposite for quashing of the FIR in question. It has been submitted that the occurrence in question took place on 25.08.2019 at 8.00 pm, not in the house of the petitioners as had been urged by the learned counsel for the petitioners, but in the house of the complainant when the petitioners armed with lethal weapons like a revolver and dang attacked them, which fact found due corroboration from the medico-legal report of the injured Sunita. In support of his submission, learned counsel has placed on record the MLR of complainant Sunita. Learned counsel further submits that while getting herself medically examined soon after the occurrence in question, the doctor too had noted that the complainant had received injuries in an assault, which had taken place at 8.00 pm on 25.08.2019. Learned counsel further submits that even if there was a slight delay in lodging of the FIR, it would not in any manner create a dent in their case as injuries received by the complainant party

could not by any stretch of imagination be said to be self inflicted.

Learned State counsel has also submitted that no doubt a FIR was also registered against the respondent at the instance of husband of petitioner No.4 namely Mahender Sharma, which was prior in time and there was a medico-legal report also qua petitioners Tarun Sharma and Manju Sharma, however, it is only during trial when the evidence is led by the parties it would be tested as to which out of the two versions was trustworthy and truthful.

Heard learned counsel for the parties and perused the relevant material on record including the medico-legal report of the injured, which has been placed on record.

No doubt, this Court has been vested with wide powers under Sections 482 Cr.PC, however, the powers so vested must be used sparingly and prudently. This Court at this stage cannot be expected to delve into the authenticity or otherwise of the allegations levelled in the FIR in question, more so, when admittedly there two versions have been brought forth by both the parties against each other in their respective FIRs. It will be only during trial, after the evidence has been adduced, the authenticity of the prosecution version shall be put to test.

Accordingly, the present petition stands dismissed.

16.01.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable or not?	Yes/No