

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

2024:PHHC:018160
CRM-M-3144-2024
Date of decision: February 7th, 2024

Dharam Pal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Aggarwal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The instant petition is for quashing of order dated 16.11.2022 passed in *CRR No.14 of 2022* titled as *Dharampal Versus State of Haryana* by learned Additional Sessions Judge, Kurukshetra, vide which the revision petition preferred by the petitioner against the order dated 03.01.2022 passed in *CHI No.1234 of 2020* titled as *State Versus Dharampal* by learned CJM, Kurukshetra, vide which charges under Sections 379, 427, 448, 452 and 506 of the IPC were framed against the petitioner in FIR No.691 dated 29.08.2020 under Sections 379, 427, 448, 452, 506 of the IPC (Section 120-B of the IPC deleted later on) registered at Police Station City Thanesar, Kurukshetra, was partly allowed.

2. Learned counsel for the petitioner, *inter alia*, contends that the order dated 03.01.2022 (Annexure P-6) vide which the Court below framed charges under Sections 379, 427, 448, 452 and 506 of the IPC against the petitioner is patently flawed; the petitioner is completely innocent and has been falsely implicated in the case at hand.

Learned counsel has further asserted that a dispute primarily of a civil

nature has been given a criminal complexion on account of a political rivalry between the petitioner and respondent No.2-complainant. He has asserted that the petitioner is residing adjacent to a plot owned by respondent No.2 and the latter had felt offended on account of the common brick wall between their plots being demolished; on account of the political influence wielded by respondent No.2, the latter had fabricated a false version against the petitioner of having committed theft of bricks and thereafter, having trespassed into his house. Learned counsel has asserted that in fact, it was complainant-respondent No.2, who was himself responsible for demolishing the common wall and had intentionally, with an oblique motive, levelled false allegations against the petitioner.

3. While drawing the attention of this Court to the challan (Annexure P-5), learned counsel has further asserted that even assuming for the sake of arguments, though not admitted that some occurrence/quarrel had taken place between the parties, the evidence collected by the investigating agency left no manner of doubt that the mischief of the offences alleged were not even made out against the petitioner. Learned counsel has still further argued that there were glaring inconsistencies in the version put forth by complainant-respondent No.2 particularly in respect of offences under Sections 427/448 of the IPC as there was no question of the petitioner encroaching upon his plot as only 25% of the house had been constructed thereon. A prayer has, therefore, been made to quash the orders dated 16.11.2022 and 03.01.2022 (Annexures P-8 and P-6 respectively) as both the Courts below had erred in not considering that the ingredients of the offences alleged not being made out against the

petitioner.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. The sole consideration of the Court while framing charges is limited to the extent of determining as to whether the necessary ingredients to constitute the offences alleged are present or not. A Court cannot be expected to carry out any exhaustive investigation into the veracity of the allegations levelled by the complainant in the FIR, which exactly the learned counsel for the petitioner is wanting this Court to do. The purpose of framing of charges is only to provide the accused with a clear and precise understanding of the allegations, which they would have to face during trial. The arguments raised by the petitioner qua his false implication in the case in hand and no threats having been extended to the complainant, are at best, his defence, which would be delved into during trial when both the parties lead their respective evidence.

6. As a sequel to the above, this Court does not find any merit in the instant petition.

7. Accordingly, the instant petition stands dismissed.

8. 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.

February 7th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No