

CRM-M-2219-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(138)

CRM-M-2219-2024 (O&M)
Date of Decision:-08.04.2024

Gurnamo Bai

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rosi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of FIR No.352 dated 15.11.2023, under Sections 193, 420, 467, 468, 471 and 506 of IPC, registered at Police Station City Nuh, District Nuh, as well as the subsequent proceedings arising therefrom.

2. After taking through the FIR, learned counsel for the petitioner submits that the present FIR has been wrongly lodged only to entangle the petitioner as the petitioner had pointed out that the police authorities are wrongly filing replies to the bail application of the son of the petitioner. It is submitted that the petitioner had filed the bail application of her son in which she had deposed that there is no other case against her son, however, she submits that in the reply to the bail application, in one status report, the authorities mentioned that there is only one case against the son of the

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petitioner and in the other reply, they stated that there are 06 cases against the son of the petitioner details of which are mentioned as below:-

(I) FIR No.125 dated 24.05.2021 under Sections 16/54 of the Rajasthan Excise Act, Police Station Shekhpur Ahir District Alwar.

(II) FIR No.333 dated 23.08.2009, under Sections 323, 341, 379 of IPC, Police Station Tijara, District Alwar.

(III) FIR No.56/2002, Section 6/54 of the Rajasthan Excise Act Police Station Tijara District Alwar.

(IV) FIR No.142 dated 26.05.2023, under Sections 16/54 of the Rajasthan Excise Act, Police Station Tijara District Alwar.

(V) Case No.294 dated 06.08.2008, under Sections 16/64 of the Rajasthan Excise Act, Police Station Tijara District Alwar.

(VI) FIR No.663 dated 03.11.2014 Sections 323, 447 of IPC and 3 of SC/ST Act, Police Station Tijara District Alwar.

3. Learned counsel for the petitioner further submits that son of the petitioner is not named in FIRs at Sr. No.1, 3, 4, 5 and 6 and as regards FIR No.333 dated 23.08.2009 is concerned, in that case also the accused was named as Kulwant Singh, son of Jangir Singh, son of Sher Singh and mother's name was Preeto Bai. She further submits that in fact FIR No.294 dated 06.08.2008 had been lodged by the petitioner against Naresh, SHO and ASI Surendra Yadav (respondent Nos.4 and 5 herein) and 2-3 other unknown persons. The present FIR has been lodged only as a counter-blast to FIR No.294 dated 06.08.2008 lodged by the petitioner.

4. To summarize, learned counsel for the petitioner has submitted that the petitioner is being unnecessarily entangled in false cases on the

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basis of vague documents and hence, the present FIR should be quashed.

5. *Per contra*, learned State counsel has submitted that the son of the petitioner was an accused in FIR No.333 dated 23.08.2009, however, the name of the grandfather and the mother do not match which is a matter of evidence and the signatures of said Kulwant Singh would be verified and checked as to whether he is the same person or not. Also that it could be a typographical error with regard to the name of the mother and the name of the grandfather. He further submits that the complainants are different in FIR No.333 dated 23.08.2009 and FIR No.352 dated 15.11.2023.

6. I have heard the learned counsel for the parties at length and what appears from the perusal of the present FIR is that the petitioner is alleged to have filed a wrong affidavit before the Court below that there is no FIR against her son. Subsequently, the petitioner along with other co-accused abused one Karan Singh, who is the complainant in FIR No.352 dated 15.11.2023 and threatened him to give Rs.2 lakh to them failing which the petitioner will get the complainant killed by her son and had also stated that the petitioner had threatened to lodge false cases against him. Perusal of the same shows that these are disputed questions of facts and the petitioner has already been granted the concession of bail by the Court of competent jurisdiction.

7. It is not a case where the extraordinary powers under Section 482 of Cr.P.C. to quash the FIR can be exercised as it is a matter of trial as to whether son of the petitioner was accused in any other case or not or if the said FIR was quashed in the year 2014.

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8. Finding no merit, the present petition is dismissed.
9. Pending miscellaneous application(s) shall also stand disposed of.

(ALOK JAIN)
JUDGE

April 08, 2024.
Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No