

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.6032 of 2024
Date of Decision: 06.02.2024

KRISHAN KUMAR

.....Petitioner(s)

Vs

STATE OF HARYANA

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Narinder Kumar Beniwal, Advocate
for the petitioner.

Mr. Chetan Sharma, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., petitioner seeks quashing of FIR No.678 dated 23.08.2023 registered under Sections 147, 149, 294, 323, 506 IPC at Police Station Civil Lines, Sirsa, District Sirsa (Annexure P-1) and all consequential proceedings arising therefrom.

[2]. The contents of the aforesaid FIR No.678 dated 23.08.2023 are reproduced hereunder:-

“To, The S.H.O. Police Station Civil Line Sirsa. Sir, Subject- For taking action against Krishna Kumar son of Ganpat Ram R/O Jan Kalyan Colony Ward No.1 and Vinod Rani W/O Ram Singh R/O Prem Nagar Sirsa and 25-30 unknown man and woman, Mob. No. Krishan 92555-50004, 98126-90004. Sir, applicant is posted as Principal of Satyam School situated in Ward No.1, Sirsa. Today, around 12.30 in the school time, all the above men and women, after in connivance with each other, with the wrong intention, forcefully entered in the school with the intention of causing physical and mental harm to the school staff and children and were

having sticks etc. in their hands. On coming there, they started abusing the female teacher and started slapping, punching and beating her with sticks and also went into the class room and started running away the children, on which the children got scared and started shouting. Then the Garden Teacher got scared and called 112 for help. But I called. Then after getting know about the dial 112, all the above accused fled away from the spot and while leaving they threatened that Ritika got registered one FIR No.61/2022 in Police Station Sadar Sirsa, take it back otherwise I will kill you and your family. The reason for the above said threat is that my daughter Ritikia is married to the above mentioned Krishna Kumar. Krishna Kumar has beaten my daughter and her son Kartik and threw out from the house and is putting undue pressure on me to get withdraw the above registered FIR and wants to get the above case withdrawn with criminal act. I, my school staff and children are in dire danger from them. Therefore, you are requested to take the strictest action against the above mentioned accused persons and women and to protect our life and property from the above mentioned persons and women. Thank you. Sd/- Ravinder Bala-Applicant Ravinder Bala W/O Pawan, Principal of Stayam Public School Sirsa. Mob. No.97298-10889 date 23/8/2023.”

[3]. Earlier, the petitioner approached this Court by way of filing a petition bearing CRM-M No.62294 of 2023 with the similar prayer which was withdrawn with liberty to raise all his pleas available in law before the Trial Court at the time of framing of charge. The said order is reproduced hereunder:-

“By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of FIR No.678 dated 23.08.2023 registered under Sections 147, 149 294, 323 and 506 IPC at P.S. Civil Lines, Sirsa, District Sirsa (Annexure P-1).

Having argued for some time, learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all his pleas available in law before the trial Court at the time of framing of charge.

Dismissed as withdrawn with aforesaid liberty.”

[4]. Having withdrawn the aforesaid petition, now the present petition has been filed with the same prayer without there being any change of circumstances,

which cannot be entertained.

[5]. Moreover, perusal of contents of the FIR shows that the same is based on the complaint made by one Ravinder Bala, who happens to be the Principal of Satyam Public School, Sirsa with the allegations that petitioner along with few others forcibly entered into the school premises at around 12.30 while classes were going on and there were number of students present in the School. Upon entering the premises, the petitioner and his accomplices started abusing female Teachers, slapping, punching and beating them with the sticks. It has also been submitted that the aforementioned persons entered into the classrooms as a result thereof, the Teachers as well as students got scared. It was only on calling helpline No.112, the Police came and situation could be controlled. The investigation of the present case is still at initial stage and no such disputed questions of facts can be gone into under Section 482 Cr.P.C., especially when from the plain reading of the FIR, offences are not made out against the petitioner.

[6]. At this stage, the plea raised on behalf of learned counsel for the petitioner to the effect that the present FIR is just counter blast to a matrimonial dispute which was pending between the daughter of complainant and the petitioner has not much substance.

[7]. Consequently, this Court is not inclined to grant indulgence under Section 482 Cr.P.C. and the present petition is dismissed.

February 06, 2024
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(HARKESH MANUJA)
JUDGE

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