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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14034-2022 (O & M)
Date of Decision: 09.05.2024

Tarun Nagpal
... Petitioner

Versus

State of Haryana and anr. ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naveen Kumar, Advocate,
Mr. Arman Goyal, Advocate,
and Mr. Nalin Singhal, Advocate,
for the petitioner(s).

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Ashwani Gaur, Advocate
and Ms. Shivangi Sharma, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.0259 dated 09.06.2021 under Sections 380, 427, 447, 454, 506 IPC registered at Police Station Purani Sabzi Mandi, Rohtak and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that complainant-respondent No.2/Manoj Kumar (hereinafter known as the complainant) got instituted the instant FIR with the allegations that he was a resident of the second floor of House No. 908, Ward No.16, Quilla Mohalla Rohtak. His nephew-Tarun Nagpal had enmity with them (complainant party) and would threaten to occupy their property. The nephew was the son of his

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elder brother and was residing on the ground floor of the house, while they (complainant party) resided on the top floor. On 24.03.2021, he had gone for some work to Chandigarh and there was no one in his house. When he came back, he found that the window of his house was broken. Property papers and certain essential documents had been taken away after breaking the almirah. A video recording was prepared regarding the same. A civil case was pending between him and Tarun Nagpal. A copy of the FIR No.0259 dated 09.06.2021 under Sections 380, 427, 447, 454 and 506 IPC, Police Station Purani Sabzi Mandi, Rohtak is annexed as Annexure P-1 to the present petition.

3. During the course of investigation, the petitioner was arrested and granted the concession of bail. Thereafter, the report under Section 173(2) Cr.P.C. came to be presented against him.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The original complaint dated 04.06.2021 mentioned three dates of the alleged commission of the offence i.e. 24.06.2021, 25.05.2021 and 24th March, 2021. In fact, in the original complaint, the date of occurrence had been left blank. Be that as it may, for the purported occurrence of 24.03.2021, the complaint was dated 04.06.2021 and was submitted to the Superintendent of Police on 08.06.2021. The FIR in question came to be registered on 09.06.2021. The cutting on the original complaint and the delay in the registration of the FIR clearly establishes that the FIR had been registered with an ulterior motive. In fact, there was a civil dispute

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pending between the parties in which the petitioner had an order of status quo dated 24.02.2021 (Annexure P-5) in his favour. The instant FIR had been registered as a response to the aforementioned interim order of status quo. During the course of the investigation, the complainant was not able to disclose the documents which had been stolen from the premises in question. Further, though, the petitioner was arrested, no recovery was effected from him. In fact, vide detailed representation dated 10.06.2021 (Annexure P-6), the petitioner had sought proper investigation and cancellation of the FIR. However, no such proper investigation took place. If the police had properly investigated the matter, the FIR would have been cancelled. He, therefore, contends that the FIR (Annexure P-1) and all subsequent proceedings arising therefrom are liable to be quashed.

5. The learned counsel for the State and the counsel for the complainant, on the other hand, contend that the allegations levelled in the FIR clearly make out the offences in question. Pursuant to the investigation, the report under Section 173(2) Cr.P.C. stands submitted. The civil dispute had nothing to do with the instant FIR. Therefore, the present petition was liable to be dismissed.

6. I have heard the learned counsel for the parties and examined the record.

7. The Hon'ble Supreme Court in the case of **State of Haryana & others Versus Ch. Bhajan Lal & others, 1991(1) R.C.R. (Criminal)**

383, has laid down certain conditions for the quashing of the FIR and the same are enumerated hereinbelow:-

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section [482](#) of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- 1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
- 2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section [156](#) (1) of the Code except under an order of a Magistrate within the purview of Section [155](#)(2) of the Code.*
- 3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the*

commission of any offence and make out a case against the accused.

4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section [155](#)(2) of the Code.

5. Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(emphasis supplied)

7. A perusal of the original complaint which is in the vernacular would show that in Para 4, the date of occurrence has been left

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blank. Thereafter, initially, the date of occurrence was shown to be 25.05.2021. The said date was cut. Thereafter, the date of occurrence was shown to be 24.06.2021. That date was also cut and finally, the date of occurrence was shown to be 24th March, 2021. Though, the date of occurrence has been shown to be 24th March, 2021, the complaint in question came to be prepared on 04.06.2021 and was submitted in the office of the Superintendent of Police on 08.06.2021 leading to the registration of the FIR on 09.06.2021. Quite apparently, not only has the complaint been instituted after a delay of more than two and a half months but the cuttings on the complaint would show that no such occurrence as alleged has taken place inasmuch as the complainant himself is not sure as to what prosecution case he would want to set-up. Further, during the course of investigation, no particular document has been pointed out by the complainant as having been stolen. Even after the arrest of the petitioner, no document or any other household article came to be recovered from him. It appears that the instant FIR came to be registered in response to the status quo order dated 24.02.2021 (Annexure P-5) in favour of the petitioner.

8. Quite apparently, the investigation conducted in support of the allegations levelled in the FIR does not establish the commission of the offences in question. On the contrary, it appears that the instant FIR had been registered with a view to wreak vengeance on the petitioner and his family members on account of a civil dispute pending between the parties.

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9. In view of the above, I find considerable merit in the present petition. Therefore, FIR No.0259 dated 09.06.2021 under Sections 380, 427, 447, 454, 506 IPC registered at Police Station Purani Sabzi Mandi, Rohtak alongwith the report under Section 173(2) Cr.P.C. and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

10. The present petition is disposed of in the above terms.

May 09, 2024	(JASJIT SINGH BEDI)
sukhpreet	JUDGE
	Whether speaking/reasoned:- Yes/No
	Whether reportable:- Yes/No