

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

125 (PROCEEDINGS THROUGH V.C.)

2024:PHHC:047051

CRM-M-14698-2024

Date of decision: April 3rd, 2024

Neeraj Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Varun Gupta, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for quashing of FIR No.684 dated 12.10.2019 under Sections 279/304-A and 337 of the IPC registered at Police Station Surajkund, Faridabad, order dated 12.05.2022 passed by learned CJM, Faridabad, framing charges against the petitioner and order dated 23.09.2022 passed by learned Additional District and Sessions Judge, Faridabad, whereby criminal revision preferred by the petitioner against the order of framing charges was dismissed.

2. Learned counsel for the petitioner has submitted that the sole allegation levelled in the FIR in question (Annexure P-1) is that that the petitioner was driving the offending vehicle at a high speed, which is a generic accusation in most of the motor vehicular accident cases; however, it is crucial to note that the petitioner was driving on his correct left side in his designated lane, while it was the deceased, who overtook a vehicle from the wrong side and collided head on with the vehicle of the petitioner. Further, the learned CJM, Faridabad,

without considering the evidence collected by the prosecution in its right perspective, and the circumstances which led to the accident in question, mechanically framed charges against the petitioner for offences under Sections 279/304A and 337 of the IPC. Still further, dissatisfied, the petitioner challenged the order framing charges against him before the learned Additional Sessions Judge, Faribadad, who too erroneously dismissed his prayer vide order dated 23.09.2022. Learned counsel has further submitted that contrary to the allegations levelled in the FIR, it was the vehicle of the deceased, which was being recklessly and negligently driven by him in an attempt to overtake a vehicle from the wrong side and also to avoid some pothole, the deceased caused the accident. The petitioner, noticing the approaching vehicle of the deceased in a rash manner, brought his vehicle to a stop on the extreme left side of the road. The collision occurred when the deceased lost control and crashed head on into the petitioner's vehicle as is evident from the photographs of the accident site annexed as Annexure P-8. It has been further submitted that immediately following the accident in question, the petitioner contacted the police, a passenger from the vehicle of the deceased, after managing to come out of the car, even apologized to the petitioner, urging him not to involve the police. The petitioner also sustained injuries in the accident, thereby necessitating his hospitalization. It was during his stay in the hospital that he discovered that he had been falsely implicated in the instant case. It has been still further contended that besides the aforementioned, certain witnesses during their statements as recorded under Section 161 of the Cr.P.C. merely had falsely reiterated the version presented in the FIR. Learned counsel asserted that the Court below failed to take note of the fact that according to the case of the prosecution itself,

it was the deceased who was driving in the wrong lane. Furthermore, the Court also erred in not determining whether the accident constituted culpable rashness or culpable negligence; it also overlooked that the petitioner was driving uphill while the deceased was driving downhill. Therefore, it was imperative for the Court to thoroughly examine and assess these facts before proceeding to frame charges, particularly in the light of documentary evidence such as accident site photographs.

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

4. It needs to be emphasized categorically that while framing charges, the Court operates under the presumption that the evidence collected by the prosecution is true. It examines this evidence only with the limited purpose to ascertain if, *prima facie*, the evidence collected and presented by the prosecution in the challan contains the necessary ingredients to attract the mischief of the alleged offences. Essentially, the Court initially assumes the accuracy of the evidence collected by the prosecution and evaluates whether it alone establishes the essential components of the alleged crime. The purpose of framing charges is to provide the accused with a clear and precise notice of the allegations that they would have to face during the trial. At this pivotal stage, preceding the presentation of prosecution evidence, the Court is to merely scrutinize the material presented by the investigating agency to frame charges. The Court cannot delve into the veracity or reliability of the evidence at this juncture. Rigorous standards of proof and discernment are not to be applied at this stage. The trial Court is not even mandated to provide specific rationales for framing charges; rather, the Court is only to form an opinion based on the police report and other relevant documents after

hearing both the sides. Courts are certainly not obligated to interfere in this process based on mere conjectures or implausible premises. It needs to be reiterated that the exhaustive examination of evidence takes place only during the trial, wherein the Court assesses the statements, verifies the authenticity of the documents, and then ultimately delivers its verdict.

5. The contentions made by the learned counsel for the petitioner in this case, therefore, cannot be delved into as they would all be a matter of trial. *Prime facie*, a perusal of the allegations levelled in the FIR in question do reveal that the essential ingredients of offences under Sections 279, 304-A, 337 of the IPC are made out against the petitioner. Moreover, as not conceded by the learned counsel, the case is at an advance stage of trial as the evidence is underway. Needless to add, the authenticity or otherwise of the allegations levelled in the FIR would be put to test during the trial and would be examined on the touchstone of cross-examination.

6. In the facts and circumstances as enumerated hereinabove, no ground is made out to accept the prayer made in the instant petition. The same, therefore, stands dismissed.

7. 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.

April 3rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No