



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-23965-2023
Date of Decision: 14.08.2024

PREET MOHINDER SINGHPETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Krishan Daaria, Advocate
for the petitioner.

Mr. J.S.Rattu, DAG, Punjab.

Mr. K.B.S. Mann, Advocate
for respondent no.2

SANDEEP MOUDGIL, J

1. The jurisdiction of this court has been invoked under section 482 Cr.P.C. for quashing of FIR No.0106 dated 12.03.2023, under Section 429, 336 of the Indian Penal Code, 1860 (for short – ‘IPC’) and Section 11 of the Prevention of Cruelty to Animals Act, 1990, (for short – ‘PCA Act’) registered at Police Station City Barnala, District Barnala, Annexure P-1, and all the consequential proceedings arising therefrom.

2. Factual matrix of the case unfolds that complainant/respondent no.2 as alleged in the FIR had raised a pet dog of Alsation (Belgium breed) about 1.5 yrs ago and all his family members were attached to him and he was also helpful for the security purpose. On 12.03.2023 at about 5.00/5.15 PM he

was shot by some unknown person near the house and he died. At about 10 days ago, CCTV cameras installed at the house of complainant and other electronic equipments installed in the neighborhood got charred due to short circuit at night and the complainant apprehends that some unknown person with an intention to cause harm may have tampered with the CCTV cameras.

3. It is contended by the learned Counsel for the petitioner that the FIR, has been illegally registered as no offence under IPC and the PCA Act is made out against the present petitioner because the FIR was initially lodged against unknown persons but subsequently the name of the petitioner, who is an Advocate by profession, has been added in the case by the police after recording second statement of the complainant/respondent no.2 at the behest of DSP and Inspector Baljit Singh CIA Staff, Barnala.

4. He has also contended that the petitioner had moved an application against Inspector Baljit Singh, Incharge CIA Staff, Barnala to National Human Rights Commission, New Delhi, relating to the false registration of cases under various sections of IPC and NDPS Act by Inspector Baljit Singh, which is being investigated by Vigilance Commission, Punjab.

5. It is further contended that FIR was registered in anguish because of the complaint given by the petitioner which is pending before Vigilance Bureau and, thus, petitioner was arrested and his .22 bore revolver and license were taken. From the CCTV cameras installed in the house of complainant/respondent No.2 and other residents of the locality, it can be seen that the complainant version is false and concocted one. As such, the FIR is liable to be quashed because of having false allegations and concocted version therein.

6. The learned State counsel by referring to the status report filed by way of affidavit of the Deputy Superintendent of Police (SD), Barnala, District Barnala, has submitted that the complainant suffered a supplementary statement on 19.03.2023 with the Investigating Officer to the effect that on the same day, when he was standing near the house of Kulvir Singh, then two labourers disclosed them that the petitioner had killed the dog and when they enquired from the petitioner as to why he did so, then the petitioner instead of replying to their question, threatened them that he has killed the dog, now you can do what you want to do. It is, thereafter, the petitioner was nominated as accused in this case. As such, the petitioner does not have any case in his favour.

7. Learned counsel for respondent No.2 has filed reply on behalf of respondent No.2 which is taken on record and has contended that respondent No.2 has retired from Indian Air Force department and is residing with his aged wife and they had raised a pet Alsatian dog (Belgium Breed) one and half years ago and they were greatly attached with to the dog. On 12.03.2023 at about 5.15 p.m., they came to know that their pet dog had been killed by some one with gun shot. Thereafter, on the statement of respondent No.2, FIR was registered against unknown persons but on 19.03.2023, complainant, while standing near the house of Kulvir Singh, with the latter were informed that the petitioner had killed the dog and on being asked, the petitioner did not give satisfactory reply and thereafter, supplementary statement was got recorded on 19.03.2023 by respondent No.2 with the Investigating Officer. Therefore, the petitioner is the killer of the dog and the present petition is liable to the dismissed.

8. Heard and case filed is perused.

9. It has revealed from the case file that the allegation in the FIR is that some unknown persons have killed the dog of the complainant/respondent No.2 by gun shot and accordingly, FIR has been lodged against unknown persons. On being coming to know about the act of the petitioner when the complainant and Kulvir Singh approached the petitioner and asked him about the reason as to why he killed the dog, then the petitioner instead of replying in a convincing manner, replied in an unconventional manner and indeed replied in a threatening way. The guilt of the petitioner can also be smelt in the case, at this stage, because the dog is said to be killed by gun shot and the post mortem report also confirmed the death of dog by gun shot and recovery of .22 bore revolver and license have been recovered from the possession of the petitioner.

10. As far as the complaint against respondent No.2 is concerned, the same is, according to the counsel for the petitioner and the State and complainant counsel is under investigation of Vigilance Bureau, Punjab. It will be worthwhile to mention here that the said complaint at Annexure P-2 is dated 10.11.2021 and a period of three years has since elapsed. The petitioner has failed to place on record its fate, which shows that the complaint is not surviving till date and the argument of the learned counsel as regards complainant, Annexure P-2, is misplaced and misleading also. Thus, the circumstances, at this stage, clearly indicate that it is too initial a stage to quash the FIR when the question involved is to be decided after conducting free and fair trial.

11. The powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this

power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. High Court being the highest Court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy. The complaint/F.I.R. has to be read as a whole. If it appears that on consideration of the allegations in the light of the statement made on oath of the complainant or disclosed in the F.I.R. that the ingredients of the offence or offences are disclosed and there is no material to show that the complaint/F.I.R. is mala fide, frivolous or vexatious, in that event there would be no justification for interference by the High Court. When an information is lodged at the police station and an offence is registered, then the *mala fides* of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in Court which decides the fate of the accused person. The allegations of *mala fides* against the informant are of no consequence and cannot by itself be the basis for quashing the proceeding. Hence, the petitioner does not deserve any relief from this Court.

12. In view of the above facts and circumstances, the present petition sans merit and the same is hereby dismissed.

14.08.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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