

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

122

CRM-M-25189-2024

Date of Decision : May 24, 2024

RAVI KANT AND ANOTHER

-PETITIONERS

V/S

STATE OF UT CHANDIGARH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pankaj Kaushik, Advocate
for the petitioners.

Mr. Manish Bansal, P.P., U.T. Chandigarh with
Ms. Diksha Sharma, Advocate.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., a prayer is made for quashing of FIR No.59 dated 03.08.2023, under Sections 435, 34 of the IPC, registered at P.S. IT Park, U.T. Chandigarh.

2. The learned counsel for the petitioner, in his beseeching the relief (supra), submits that the present FIR is the outcome of malicious prosecution and a totally false case has been foisted upon the petitioners. Moreover, to set up a plea of *alibi*, he submits that, in fact, the petitioners were not present at the time and place of the alleged occurrence.

3. The genesis of the present FIR is embodied in the statement of one Partap Singh Bisht, relevant extract whereof is extracted hereunder:-

“...on dated 02.08.2023 at around 5:30 PM, after properly

locking my Car No. CH01CA 8274 Swift White Color Model 2020, which is registered in the name of my wife Seema Sharma, I parked it in the Subhash Nagar Kachchi Parking Area, in front of the gate of Manimajra Police Station, and took its keys with me at home. Today morning, at around 04:00 AM, I woke up early and after getting fresh, I was going towards Shivalik Garden for morning walk. At around 4:30 AM, when I reached Subhash Nagar Kachchi Parking Area, I saw that a young boy aged about 24-25 years was setting ablaze my above mentioned car which was parked in the parking, whereupon, I raised alarm and ran towards the car. The boy, who was wearing a helmet, ran towards Subhash Nagar from the kutchra road in front of the police station and a dog also ran behind him. After proceeding ahead, the above mentioned boy fled with his accomplice, who was wearing a Red Color T-shirt with camouflaged Printed Lower, on his Motorcycle Suzuki Gixxer Black Red Color. I noted the Motor Cycle No. PB65 AP 1345. Thereafter, as my car was badly burnt, I returned home while raising alarm to seek help from someone to extinguish the fire. Both the boys, who set my car on fire, can be identified by me when they come forward. I sure that Ravikant Pandey S/o Vashisht Narayan Pandey R/o H. No 704 Hello Majra Chandigarh and his younger brother Rishi Kant Pandey have got it done, because I have to take about one lakh 15 thousand rupees from Ravikant Pandey, and on August 1, 2023, I had an argument with Ravikant Pandey regarding this money, about which I complained to Ravikant's father by going to Sec. 20 Sai Temple. Ravikant had clearly refused to give my money in front of his father and threatened me....”

4. This Court has heard the submissions made by the learned counsel for the petitioners and also perused the record, however, is not inclined to grant the asked for relief.

5. The reason for forming the above inference stems from the fact that, all the pleas raised by the learned counsel for the petitioners are disputed questions of fact, which can only be adjudicated after appreciation of evidence, which may become adduced during the course of trial. Moreover, the learned counsel representing the respondent has informed this Court that the matter is still under investigation and out of three accused, both the present petitioners have already been arrested.

6. In view of the above, when the pleas raised by the learned counsel for the petitioners involve disputed questions of fact, which cannot be adjudicated in the instant proceedings under Section 482 of the Cr.P.C., especially when the investigation is under progress, this Court refrains from granting the asked for relief to the petitioners. Consequently, the instant petition is **dismissed**.

7. However, liberty is reserved to the petitioner to, in case they have any documentary evidence in their favour, get it furnished before the investigating officer.

May 24, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No