



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.48032 of 2024
Date of decision: 25th September, 2024

Amarjeet Singh & others
... Petitioners
Versus
State of Punjab & another
... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tarun Sharma, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking quashing of FIR No.0045 dated 28.07.2023 under Sections 382, 34 of the IPC (Section 201 IPC added later on) registered at Police Station Amir Khas, District Fazilka along with all subsequent proceedings arising therefrom.
2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, as is evident from the fact that there is no cogent evidence linking them to the alleged offence. It has been further submitted that the Investigating Agency failed to conduct a proper and impartial investigation and has apparently acted in collusion with the complainant/respondent No.2, who wields a significant influence. Learned counsel for the petitioners, while inviting the attention of this Court to the allegations raised in the FIR, annexed as Annexure P-1, has still further submitted that the allegations are

totally vague and baseless against the petitioners and are not supported by any cogent evidence; petitioner No.1 is the rightful owner of the vehicle in question, a fact corroborated by the Registration Certificate (RC) and even mentioned in the FIR itself. As such, the offence of theft, as alleged would not stand against petitioner No.1.

3. Learned counsel has further submitted that in fact, petitioner No.1 had given the vehicle to the complainant for temporary use for a few days, but the complainant instead refused to return it. Petitioner No.1 has neither executed any affidavit indicating the transfer or sale of the vehicle to the complainant, nor did he relinquish his ownership rights over it. Additionally, the vehicle remained under the lien of a finance company/bank, and petitioner No.1 has been regularly paying the loan installments for the same. Furthermore, it has been submitted that both the complainant/respondent No.2 and petitioner No.1 had filed separate applications for “sapurdari” of the vehicle in question before learned Judicial Magistrate 1st Class, Jalalabad, however, vide order dated 07.10.2023 (Annexure P-4), the concerned Court dismissed the application of respondent No.2, as he failed to prove his ownership of the vehicle, while the application filed by petitioner No.1 was allowed. Therefore, it has been submitted that since the offences alleged in the FIR are not made out, the FIR in question deserves to be quashed.

4. I have heard learned counsel for the petitioners and perused the relevant material on record.

5. It is undoubtedly true that this Court possesses extraordinary powers under Section 482 Cr.P.C./528 BNSS, however, these powers

must be exercised with caution and circumspection. At this stage, the Court is only tasked with determining whether the FIR discloses the commission of a cognizable offence or not. This Court cannot, at this juncture, delve into the defence put forth by the accused or consider the evidence or material relied upon by them.

6. In the present case, as is evident from a perusal of the allegations levelled in the FIR, there are not only allegations of theft against the petitioners but also allegations of obstructing the path of respondent No.2, forcibly snatching the vehicle and physically assaulting him. The FIR details specific roles to each petitioner. Petitioner No.1 Amarjeet Singh, allegedly took the keys of the car and later grabbed the complainant by the neck; petitioner No.2 Amandeep Singh and petitioner No.3 Mintu Singh, who were allegedly armed with iron bars, stood in front of the car, blocking the way, and pushed the car out of the toll plaza. Additionally, petitioner No.4 Jatinder Singh, was the driver of the vehicle in which all the accused approached respondent No.2. Allegedly, all the petitioners collectively assaulted the complainant by punching him. During this occurrence, the complainant's wallet, which was kept in the car, was also allegedly snatched along with the vehicle; the wallet contained credit cards, ATM cards, some cash amount, PAN card and Aadhar card besides some other documents.

7. A perusal of the FIR (Annexure P-1) prima facie reveals the commission of cognizable offences. Thus, at this stage, the Court cannot go into the truthfulness of the allegations or consider the submissions of

the learned counsel regarding the alleged false implication of the petitioners. All these submissions, which have been made by the learned counsel can only be addressed during trial, when the parties would lead their evidence which in turn would be tested on the touchstone of cross-examination.

8. In view of the foregoing, this Court is not inclined to exercise its inherent powers under Section 482 Cr.P.C. The petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 25, 2024
rps

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