

271 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52890-2023
DATE OF DECISION:-08.02.2024

Sho Parkash ...Petitioner

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Riffi Birla, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Ms. Gaganpreet Kaur, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.185 dated 14.09.2020, under Sections 307, 353, 186, 341, 324, 323, 506, 148, 149, 120-B IPC (Section 326 IPC added later on), at Police Station Khui Khera, District Fazilka.

2. On 16.01.2024, this Court passed the following order:-

“By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.185 dated 14.09.2020, under Sections 307, 353, 186, 341, 324, 323, 506, 148, 149, 120-B IPC (Section 326 IPC added later on), at Police Station Khui Khera, District Fazilka.

Ms. Gaganpreet Kaur, Advocate has appeared and filed power of attorney on behalf of respondent No.2 and the same is taken on record.

Status report by way of affidavit dated 18.11.2023 of Mr. Shubeg Singh (PPS), Deputy Superintendent of Police, Sub Division,

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Fazilka on behalf of respondent-State has been filed in Court today and the same is taken on record.

In the present case, the petitioner was never named in the FIR and was found innocent by the investigating agency in the final report dated 10.12.2020. Moreover, the injured-complainant, who appeared as PW-1 before the Trial Court on 21.10.2022, never attributed any overt-act to the petitioner nor even deposed about his presence at the site of incident. The petitioner has even appended an affidavit of the complainant as Annexure P-4, wherein, the complainant has denied the involvement of petitioner in the incident in question.

Equally important, learned counsel appearing for respondent No.2-complainant also accepts the aforestated circumstance.

In view thereof, let the parties appear before the learned Trial Court/Illaq Magistrate within a period of 07 days from today, which shall record their statements as regards the veracity of the affidavit dated 28.09.2023 and send a report to this Court within a week thereafter.

List on 02.02.2024.”

3. In pursuance of aforesaid order dated 16.01.2024, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of affidavit dated 28.09.2023, a report dated 23.01.2024 has been received from the concerned Court, stating that the affidavit dated 28.09.2023 has been executed by complainant-Sukhdev Singh with his free will, without any pressure, influence, threat or coercion etc and same is genuine and voluntary.

4. Learned State counsel assisted by learned counsel for respondent No.2 submits that in the present case, the petitioner was declared innocent and even no injury has been attributed to him. Learned counsel representing respondent No.2 also submits that even respondent No.2 has no objection in

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case FIR in question may be quashed qua the petitioner.

5. Once, the petitioner was declared innocent during investigation, his name was kept in column No.2 of the challan and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same qua the present petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Moreover, no useful purpose would be served by proceeding further with the criminal proceedings.

6. Keeping in view the above, FIR No.185 dated 14.09.2020, under Sections 307, 353, 186, 341, 324, 323, 506, 148, 149, 120-B IPC (Section 326 IPC added later on), at Police Station Khui Khera, District Fazilka as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the PGI Poor Patient Welfare Fund, within a period of two weeks from the date of receipt of certified copy of this order.

08.02.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No