

RANJIT SINGH AND OTHERS

...Petitioner

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Veneet Sharma, Advocate for
Mr. Sandeep S. Majithia, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Vikas Gupta, Advocate for respondent No. 4.

HARPREET SINGH BRAR J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 216 dated 15.12.2022 registered under Sections 365, 323, 148 and 149 of Indian Penal Code at Police Station Gharinda District Amritsar.
2. The present FIR was lodged on the allegations that the complainant was present in the Tehsil Complex, Atari, for getting his share of ancestral land transferred in his name from his father-Gurnam Singh. In the meantime, the petitioners came there and gave beatings to the complainant. When his father tried to save him, he was also beaten and was forcibly taken away in the presence of the police and complainant raised apprehension that his father may be eliminated by the petitioners.
3. Learned counsel for the petitioners *inter alia* contends that a civil dispute is pending between the petitioners and the complainant and even the proceedings for partition of the land are pending before the Revenue Authorities and on 15.12.2022 in the afternoon, the father of the petitioner No. 1 was taken

away by some police officials in his absence. When the petitioner No. 1 came to know regarding the aforementioned fact that his father has been taken away forcibly towards the office of the Sub Division Atari, the petitioner went there and rescued his father and petitioner No. 2 has made a video on his mobile phone of the entire incident, which is available on record as Annexure P-2. The FIR(supra) is an abuse of the process of law as the same has been lodged only out of private spite and to wreak vengeance upon the petitioner to take advantage in the property dispute. It was further contended that petitioner No.1 had approached this Court by filing the petition bearing No. CRM-M-10148-2023 titled as ***Ranjit Singh Vs. State of Punjab and Others*** and on 27.02.2023, his father appeared before this Court and his statement was recorded and the relevant part of the aforesaid order passed in the said petition is reproduced hereinbelow:

“xxx

The father of the petitioner is present in Court and I have interacted with him. It is apparent that he is residing with the petitioner out of his own free will.

xxx”

4. Learned counsel for the petitioners further submits that even the father of petitioner No. 1-Gurnam Singh has also approached this Court by filing the CRM-M-10060-2023 seeking fair investigation in FIR(supra), in which he has categorically mentioned that respondent No. 4, by taking advantage of his old age, tried to get the sale deed of the land executed in his favour and further stated that in fact the petitioners reached the Tehsil Complex and rescued him and he is residing happily with his son-petitioner No. 1 and his family members. Learned counsel for the petitioners further submits that his father has also sworn an affidavit dated 17.12.2022 duly attested by the learned

Ranjit Singh and his family members, which is annexed with CRM-M-10060-2023 as Annexure P-1. Moreover, respondent No. 4 has approached this Court and filed a Habeas Corpus petition in which this Court has directed the jurisdictional police authorities to record the statement of Gurnam Singh-father of petitioner No. 1 and respondent No. 4, in which Gurnam Singh has once again re-iterated that he is living with petitioner No. 1 out of his own sweet will.

5. Mr. Vikas Gupta, Advocate has put in appearance on behalf of respondent No. 4 and filed his Vakalatnama. The same is taken on record. Learned counsel for respondent No. 4 submits that his father has lived for more than 20 years with him and now he is under the influence of petitioner No. 1 and petitioner No. 1 is not allowing respondent No. 4 and his sister to meet his father and the statement of his father made before this Court and before the police authorities was made under pressure and influence of petitioner No. 1.

6. Learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the disputed questions of fact have been raised by the petitioners, which can only be appreciated on the basis of evidence.

7. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that to prove the offence of kidnapping, the essential ingredients are required to be established that kidnapped person has been induced away without the consent of lawful guardian. The facts and circumstances of the present case clearly indicates that father of petitioner No. 1 was not abducted without his consent. Rather, it is duly proved on record by his father-Gurnam Singh by appearing before this Court and making a statement to the effect that he is residing with his son-petitioner No.1 out of his own sweet

will and there is nothing on record to prove that Gurnam Singh was either wrongfully abducted or kept in confinement by the petitioners.

8. In view of the discussion made hereinabove, the present petition is allowed and the FIR No. 216 dated 15.12.2022 registered under Sections 365, 323, 148 and 149 of Indian Penal Code at Police Station Gharinda District Amritsar is quashed, qua the petitioners.

21.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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