



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-57233-2024 (O&M)
Date of Decision:-18.11.2024

Vikas Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Jassal, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.161, dated 13.04.2023, Police Station Baldev Nagar, District Ambala, under Section 195-A of IPC (Annexure P-1).
2. The translated gist of the FIR (Annexure P-1) as annexed with the petition is reproduced herein under:

“I Manish Makkar son of Ramlal resident of Baldev Nagar. I have two children, On 10-1-2022, I was getting my vehicle filled, at around 6.30 pm, 9-10 boys attacked me with axes, sticks and



swords at Baldev Nagar Chowk, in which I was badly injured, due to which I am admitted in Civil Hospital. All the boys had covered their faces with handkerchiefs and clothes. At that time, Raju and Deepu were among those boys. During the fight, Raju's handkerchief fell off his mouth. I recognized it and a case was registered against them in which Raju and Deepu were arrested. On 10-4-2023, in the evening, Vikas son of Shyam Sundar resident Baldev Nagar, who had been released from jail a few days ago, threatened me and said that I, Raju and Deepu along with our friends had injured you by hitting you at Baldev Nagar Chowk on 10-1-2022. At that time, you were saved. Now I have been released from jail. I am not afraid of jail. I will kill you and your children if you open your mouth against me and give statements against me. After that, I ran away from there and came to the police station and gave a written application against him. Today at about 8-30 I was leaving for my shop from my house. When I came out of the house, Vikas came and threatened me saying that if you say anything against me in last year's case or give any evidence against them, you got saved last time but this time you will not be saved. You have to give evidence in our favor. Legal action should be taken against Vikas. SD Manish Makkar 9991909958, 13-4-2023 Police action: Today I, ESI along with HC Manjeet Singh no. 1393 was present at Baldev Nagar Chowk for patrolling and investigation of crime, when Manish Makkar, son of Ramlal resident of Baldev Nagar, met I, ESI, and presented a request regarding threatening him about giving testimony in an old case, which request was found to be a crime under section 195-A IPC, and a written complaint is being sent to the police station to register a case. Later, the case number should be informed from the case. I, ESI, am busy in investigation. The in-charge police station have been informed about the situation. Today Baldev Nagar Chowk SD Lal Chand SI Police Post Baldev Nagar Police Station Baldev Nagar Date 13-4-2023 At 9.15 Pm Today Police Station- As per the above mentioned article, on receipt of the above



mentioned case in the police station by HC Manjeet Singh 1393, case number 161 dated 13.04.2023 section 195-A IPC Police Station Baldev Nagar Ambala was registered and the copy along with the original article is being sent to the personal investigator of HC for further investigation. The incharge Officer Police Station was informed about the situation over phone. Copies of the FIR will be prepared and sent to the service of officials. Entry record was done as per law. The case was registered in the presence of SI Karambir Singh.”

3. Learned counsel for the petitioner submitted that even if all the contents of the FIR are taken to be correct, no offence under Section 195-A IPC would be made out and that under these circumstances the FIR in question deserves to be quashed. Learned counsel has further submitted that although petitioner-Vikas Kumar is alleged to have threatened the complainant in respect of an earlier FIR i.e. FIR No.21 dated 10.01.2022, Police Station Baldev Nagar, Ambala, under Sections 148, 149, 323, 324, 506 IPC, but it is interesting to note that the petitioner is not an accused in the earlier FIR and came to be nominated much later i.e. after registration of the present FIR. Learned counsel in order to *hammer forth* his aforesaid submissions places reliance upon Narender Vs. State of Haryana, CRM-M-26344-2021 P&H.
4. This Court has considered the aforesaid submissions.
5. While it is correct that petitioner may not have been arrayed as an accused in the earlier FIR initially, but has been nominated as an accused subsequently. However, a perusal of the present FIR itself shows that petitioner-Vikas had remained in custody and the allegations indicate that he is a friend of Raju and Deepu, accused in the earlier FIR. The case set up in the FIR is that



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Vikas being a friend of Raju and Deepu had threatened the complainant of dire consequences in case he deposed against accused. Such allegations would *prima-facie* amount to intimidating the complainant so as to force him not to support the case of prosecution, attracting penal provisions of law under IPC.

6. Under these circumstances, no case for quashing FIR in exercise of inherent jurisdiction is made out. The petition as such is found to be sans merit and is hereby dismissed.

18.11.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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