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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23705-2025 (O&M)

Date of Decision: 02.05.2025

Sumit Kumar and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Ahluwalia, Advocate with
Ms. Bhavi Kapur, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.405 dated 28.09.2022, under Sections 307, 498-A, 323, 506 and 120-B IPC (Section 406 IPC was added later on), registered at Police Station City Faridkot, District Faridkot alongwith all consequential proceedings emanating therefrom.

2. Learned counsel appearing on behalf of the petitioners submitted that the present FIR was an outcome of a concocted story made by respondent No.2 against the petitioners. He submitted that after the registration of the FIR rather the matter was investigated twice at higher level. Firstly by the Special DGP, Punjab State Human Rights Commission and secondly by the Bureau of Investigation and both the times, it was found that the allegations were false. He also submitted that even so far as the invocation of Section 307 IPC is concerned, the same was also found to be false. He submitted that the present FIR is of the year 2022 and till date even challan has not been presented and

rather it was so recommended twice in the month of April and June, 2024 for cancellation of the FIR.

2. Learned counsel submitted that the reason as to why the police has still not presented report under Section 173 Cr.P.C is that the father and uncle of respondent No.2/complainant were posted as ASI in Punjab police at Faridkot at the relevant time. He also submitted that even otherwise also at the time when it was found in the inquiry that no offense was made out against the present petitioners, then even disciplinary proceedings were recommended to be initiated against two Assistant Sub Inspectors who had investigated the case and in this way, the entire lodging of the FIR is an abuse of the process of law in the light of the aforesaid facts and circumstances.

3. Notice of motion.

4. Mr. Jasjit Singh, DAG, Punjab accepts notice on behalf of the State of Punjab and has stated on instructions from Inspector Jagtar Singh that now in the month of March, 2025, a cancellation report has been filed before the competent authority.

5. Learned counsel for the petitioners has stated that in view of the statement made by the learned State counsel, he does not wish to press the present petition and wants to withdraw the same.

6. Dismissed as withdrawn.

02.05.2025

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

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:

Yes/No

Yes/No