



CRM-M-57776-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision : 12.05.2025

Sunita Kashyup and Anr.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Gaurav Grover, Advocate with
Ms. Charu Sharma, Advocate for petitioners.

Ms. Nidhi Garg, AAG, Haryana.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Sunita Kashyup and Satpal Kashyap filed this petition under Section 482 Cr.P.C. for quashing of FIR No.198 dated 17.06.2022, under Sections 186, 353, 354, 354-A of IPC, registered at Police Station Sector 13-17, Panipat, District Panipat and all subsequent proceedings arising out of the above said FIR.

2. As per facts of the case, Lady Head Constable Sujata gave her statement that on 16.06.2022, she was present in the Police Station when Renu w/o Dr. Pardeep Aryan submitted one application regarding theft in her house regarding which FIR No.197 dated 17.06.2022 was registered under Sections 454, 380, 34 of IPC and the matter was under inquiry with ASI Vinod. At about 9:00 PM, Pardeep Arya, Sunita Kashyap and Satpal Kashyap along with others came to the police station and started abusing as to why the thieves were not apprehended, even though their names were mentioned as Dalip Chhabra, Raj Jhamb. There is dispute regarding house between both the parties. She along

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with ASI Vinod asked for CCTV footage. Regarding this, Sunita Kashyap stated that she is not the SHO and she will not give the footage and started abusing them. The complainant tried to stop her. On this, Pardeep Arya also started abusing. On hearing the noise, Constable Rakhi, Constable Shubham and Constable Parveen came there and the aforesaid persons used unethical language for them. Lady Constable Rakhi tried to stop them from abusing and on this Pardeep Arya caught hold of her hand with bad intention. They created scene in the police station and also threatened to file complaint before the Commissioner. They misbehaved and obstructed the police officials in performing their duty.

3. Learned counsel for petitioners argued that all allegations detailed in the FIR are false. In fact, they were the aggrieved persons and on their statement FIR No.197 dated 17.06.2022, under Sections 34, 380 and 454 of IPC was registered which is Annexure P-6. The complaints filed by Satpal Kashyap to the higher authorities are Annexure P-2 to P-4. All the allegations regarding creating ruckus in the police station or misbehaving with lady police official Rakhi are false and baseless. Petitioner No.1-Sunita Kashyap is a practicing lawyer in the courts at Panipat. The petitioners had merely visited the police station to enquire about the progress of their complaint. Later on, Satpal Kashyap filed complaint to the Officer Incharge, Police Station Women, Section 13/17, Panipat dated 16.06.2022 (Annexure P-7). They had also filed application (Annexure P-8) for preserving video recording of 16.06.2022 from 7:00 PM to 4:00 AM of 17.06.2022. The other correspondence seeking information under Right To Information Act are Annexures P-9 to P-11. Pen drive is Annexure P-12. There is one letter addressed to Superintendent of Police, District Panipat written by Lady ASI Suresh Kumari denying her signatures on ziminy in FIR



No.198 dated 17.06.2022 (Annexure P-13). Dr. Pardeep Arya also filed a criminal complaint against ASI Vinod Kumar and others bearing criminal Complaint No.43/2022 dated 01.11.2022 vide which the accused are summoned vide summoning order dated 26.02.2024 passed by learned Judicial Magistrate Ist Class, Panipat (Annexure P-16). Even in the case in hand challan has been presented in the Court which is Annexure P-17. In the light of this, it is clear that the petitioners are falsely implicated in FIR No.198 dated 17.06.2022 (Annexure P-1) and the said FIR is liable to be quashed on merits.

4. Learned counsel representing State opposed the petition and filed detailed status report confirming the allegations detailed in FIR No.198 dated 17.06.2022 (Annexure P-1). Proper investigation was carried out. Statements of Sujata and Rakhi were recorded under Section 164 Cr.P.C. reiterating the allegations detailed in the FIR. Their statements are Annexure R-1. Petitioners No.1 and 2 were joined in the investigation on 09.07.2022 and in compliance to the interim relief granted by learned Additional Sessions Judge, Panipat order dated 04.07.2022, they were joined in the investigation and their disclosure statements were also recorded. They were released on furnishing adequate surety bonds. Co-accused Pardeep Arya also joined investigation on 09.11.2022 and was granted interim bail vide order dated 15.07.2022 passed in CRM-M-30274-2022. He was also released on furnishing adequate surety bonds with the direction to make himself available as and when required. The investigation was completed in a proper fair manner and challan was prepared on 05.12.2022. The charges are yet to be framed. It is pointed out that petition filed by the petitioners is without any basis. There are specific serious allegations against them. Therefore, there is no valid reason to quash the aforesaid FIR.

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5. I have considered the arguments and have gone through the record. It is a matter of record that on the complaint of Renu w/o Dr. Pardeep Arya, FIR No.197 dated 17.06.2022 was registered under Sections 380, 454, 34 of IPC, at Police Station Sector 13/17, Panipat (Annexure P-6). As per the case of petitioners, they had gone to the police station to enquire about the progress of investigation in the said FIR. No incident took place in the police Station as claimed by Lady Head Constable Sujata, on the basis of which impugned FIR No.198 dated 17.06.2022, under Sections 186, 353, 354, 354-A of IPC was registered at Police Station Sector 13/17, Panipat. It is further matter of record that Dr. Pardeep Arya filed complaint against ASI Vinod Kumar and other bearing No.43/2022 dated 01.11.2022 in which there is a summoning order dated 26.02.2024 (Annexure P-16). Petitioners filed various complaints to the higher authorities. They also referred to CCTV footage and photographs. The facts referred in the impugned FIR No.198 dated 17.06.2022 (Annexure P-1) as well as the summoning order dated 26.02.2024 (Annexure P-16) indicate that incident did take place on 16.06.2022. Petitioners have relied upon one application submitted by ASI Suresh Kumari addressed to Superintendent of Police (Annexure P-13) referred in the summoning order dated 26.02.2024 (Annexure P-16). The merits of said application and its effect on the proceedings of the trial can be seen later after recording evidence of both sides. At present two criminal cases on aforesaid FIRs and one complaint case are going on. Challan in the present FIR No.198 dated 17.06.2022 (Annexure P-1) is already presented. In fact stand taken in present petition is the defence raised by petitioners which can be considered by the trial Court at appropriate stage. Therefore, merits of FIR

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No.198 dated 17.06.2022 (Annexure P-1) can be adjudicated only in the trial and the same cannot be quashed on the basis of documents annexed with the petition.

In the light of this, I do not find merits in the petition filed by petitioner seeking quashing of FIR No.198 dated 17.06.2022, under Sections 186, 353, 354, 354-A of IPC registered at Police Station Sector 13/17, Panipat (Annexure P-1) and the same is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

12.05.2025.*Sunil Devi*

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