

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Jasjit Singh Bedi, J.)

CHANDER SHEKHAR AND OTHERS

Vs.

STATE OF HARYANA AND ANOTHER

Criminal Miscellaneous (M) No. 28890 of 2019 (O & M)

Decided on : 21-07-2026

A. Criminal Procedure Code, 1973 (CrPC) — Section 482 — Penal Code, 1860 (IPC) — Sections 323, 506, 34, 342, 365, 379-B — Quashing of FIR and consequential proceedings — Allegations in FIR and initial witness statement did not support offences of kidnapping, abduction, or snatching. [Paras 1, 9]

B. Criminal Procedure Code, 1973 (CrPC) — Section 482 — Penal Code, 1860 (IPC) — Sections 342, 365, 379-B — Supplementary statement recorded after 10 days of occurrence — Addition of serious offences in FIR based on supplementary statement held to be an attempt to enhance severity of offence, possibly in connivance with investigating agency. [Para 9]

C. Criminal Procedure Code, 1973 (CrPC) — Section 482 — Penal Code, 1860 (IPC) — Sections 323, 506, 34 — Quashing of FIR and consequential proceedings — Petitioners' side called police to the spot at the time of occurrence — FIR and supplementary statement did not reflect commission of offences under Sections 342, 365, 379-B IPC, but evidence and MLR indicated some occurrence took place, making out prima facie offences under Sections 323, 506, 34 IPC. [Paras 6, 7, 9]

D. Criminal Procedure Code, 1973 (CrPC) — Section 482 — Penal Code, 1860 (IPC) — Sections 323, 506, 34, 342, 365, 379-B — Partial quashing of FIR and proceedings — FIR and consequential proceedings quashed to the extent of offences under Sections 342, 365, and 379-B IPC, but proceedings under Sections 323, 506, and 34 IPC allowed to continue. [Para 10]

JUDGMENT

Jasjit Singh Bedi, J.-The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the FIR No.104 dated 22.02.2019 under Sections 323, 506, 34 IPC registered at Police Station Model Town, Rewari, Haryana (Annexure P-2) and all consequential proceedings arising therefrom including the Challan dated 06.05.2019 under Sections 323, 506, 342, 365, 379-B and 34 IPC (Annexure P-9).

2. The brief facts of the case are that an FIR No.104 dated 22.02.2019 under Sections 323, 506, 34 IPC, Police Station Model Town, Rewari, Haryana, came to be registered at the instance of complainant- respondent No.2/Arjun Singh (hereinafter to be known as 'respondent No.2') against the petitioners. The relevant extract of the same is as under:-

To, The SHO Police Station Model Town, Rewari. It is requested that I Arjun Singh S/o Sh. Rattiram, Caste Ahir is resident of Village Lehroda, Police Station Sadar Narnaul, District Mahendergarh. I am driver of tanker bearing No. HR 66A 1771. That today on 22.02.2019 at about 6.30 am, I have come take oil from the Depot, I was reserving my tanker near Karnavas HPCL Depot and my helper Laxman Singh S/o Hari Ram R/o Dulana, Mahendergarh was helping me in reversing the tanker at that time three persons came from one plot and after dragging me down from the tanker gave me beating and thereafter they took me to one adjoining plot and gave me beatings and after beating me they threatened that today they are living but in future if I brought my vehicle here then they will kill me. It is requested that strict legal actions be taken against them. Later on I came know about their names which are as follows: 1. Chandershekhar S/o Ram Singh R/o Model Town, 2. Ramniwas S/o Ram Kishan R/o Uttam Nagar, 3 Rajan Singh S/o Ram Khiladi R/o Serra Police Station Magoda, District Mathura, U.P. Sd/- Arjun Singh 9813916221.

3. During the course of the investigation, the statement of one Laxman was recorded under Section 161 Cr.P.C. where the allegations were similar to those levelled in the FIR.

4. After the petitioners were granted the concession of bail, a supplementary statement of the complainant was recorded on 03.03.2019 i.e. after 10 days of the occurrence to the effect that the petitioners had snatched money amounting to Rs.500/- to Rs.600/- from the pocket of the complainant and Rs.200/- to Rs.300/- from the helper. On the basis of the said supplementary statement, Sections 342, 365, 379-B IPC were added.

5. Thereafter, the challan (Annexure P-9) was submitted under Sections 323, 506, 34, 342, 365 and 379-B IPC.

6. The learned Senior counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. In fact, on the morning of the occurrence i.e. 22.02.2019 at about 6:40 a.m., the present complainant party had struck the gate with a canter and on an earlier occasion, had broken a pole. It was the petitioners' side that had called the police after dialling 100 number. HC Sunil reached the spot and took alongwith him the truck and the parties to the Model Town Police Station. Once the petitioners have themselves called the police to the spot after dialling 100 number, the

question of offences under Sections 342, 365 or 379-B IPC having been committed does not arise. He contends that the statement of Arjun Singh leading to the registration of the FIR and the statement of Laxman do not refer to any allegations of snatching, kidnapping, etc. The supplementary statement of the complainant has been recorded after 10 days of the occurrence whereby the allegations have been increased so as to enhance the severity of the offence. For reasons best known, the investigating agency has not cared to even refer to the fact in the challan that it was the petitioners' side that had called the police to the spot at the time of the occurrence. In the short affidavit dated 17/25.09.2019, the State has deliberately not admitted to the fact that it was the petitioners' side that had called the police to the spot. He, therefore, prays that the FIR (Annexure P-2), Challan (Annexure P-9) and all consequential proceedings arising therefrom be quashed.

7. The learned counsel for the State and the learned Amicus Curiae for respondent No.2 vehemently contend that a perusal of the FIR (Annexure P-2) and the report under Section 173(2) Cr.P.C. prima facie establish the fact that the petitioners have committed the offence in question. The MLR (Annexure P-6) of the complainant-Arjun Singh discloses multiple simple injuries. They, therefore, contend that as the offence is prima facie made out, the present petition is liable to be dismissed. They, however, concede that it was the petitioners' side that had approached the police by dialling 100 number to call them to the spot at the time of the occurrence.

8. I have heard the learned counsel for the parties.

9. A bare perusal of the FIR does not reveal the commission of the offence under Sections 342, 365 and 379-B IPC. The statement under Section 161 Cr.P.C. of Laxman also does not further the prosecution case qua the offences under Sections 342, 365 and 379-B IPC. In fact, at the time of the occurrence, it was the petitioners' side that had called the police to the spot as is apparent from Annexure P-1. It was only after 10 days of the occurrence, vide a supplementary statement of the complainant has there been addition of the said offences in the FIR. Apparently, the complainant party in connivance with the investigating agency has increased the severity of the offences for certain ulterior motives. The investigating agency has deliberately not adverted to the fact that it was the petitioners side that had called the police to the spot after which the truck and the parties had been taken to the Model Town, Police Station. Had the offences under Sections 342, 365 and 379-B IPC been committed, the petitioners' side would not have called the police to the spot. However, it is equally true that some occurrence did take place at the spot keeping in view the statements of the witnesses and the MLR (Annexure P-6). Therefore, prima facie offences under Sections 323, 506 and 34 IPC are made out.

10. In view of the aforementioned discussion, the FIR No.104 dated 22.02.2019 under Sections 323, 506, 34 IPC registered at Police Station Model Town, Rewari, Haryana (Annexure P-2) and all consequential proceedings arising therefrom including the Challan dated 06.05.2019 under Sections 323, 506, 342, 365, 379-B and 34 IPC (Annexure P-9) are partially quashed to the extent that offences under Sections 342, 365 and 379-B IPC are not made out. However, proceedings/Trial under Sections 323, 506 and 34 IPC may continue in accordance with law.

11. However, it is made clear that the observations made in this order are only for deciding this quashing petition and the Trial Court shall decide the case based on the evidence lead before it uninfluenced by any observation made in this order.

12. The pending application(s), if any, shall stand disposed of accordingly.