
(2013) 08 P&H CK 0386

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-32530 of 2012 (O and M)

Subhash Kumar

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 23-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482
Penal Code, 1860 (IPC) — Section 380, 411

Citation : (2013) 08 P&H CK 0386

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Advocate : H.S. Rakhra, for the Appellant; Ashish Sanghi, D.A.G., Punjab, for the Respondent

Final Decision : Disposed Off

Judgement

Ram Chand Gupta, J.—The present petition has been filed u/s 482 of the Code of Criminal Procedure (for short "Cr. P.C.") for quashing of FIR No. 37 dated 9.4.2012 (Annexure P-1) u/s 380 of Indian Penal Code (for short "IPC"), registered at Police Station Sarabha Nagar, District Ludhiana City (later on Section 411 IPC added) and all other consequential proceedings arising therefrom. Brief allegations are that a theft had taken place in the house of respondent No. 2-complainant. During investigation, some of the stolen articles were recovered from the possession of co-accused Balwinder Singh who was appointed as Chowkidar by the complainant in the society.

2. It has been contended by learned counsel for the petitioner-accused that he has been implicated in this case on the statement of co-accused Balwinder Singh. Further contended that no recovery was effected from him. It has also been contended that no recovery of any ornament, which were stolen by co-accused, was effected from him.

3. This factual position has not been disputed by learned counsel for the respondent-State.

4. I have gone through the report u/s 173 of Cr. P.C. filed by the State, in which only alleged evidence against the present petitioner is statement of co-accused. Hence, there is force in the argument of learned counsel for the petitioner that petitioner is being harassed unnecessarily in this case without any evidence against him and that challan has also been filed against him without any evidence.

5. In view of the same, the present petition is allowed and the impugned FIR No. 37 dated 9.4.2012 (Annexure P-1) u/s 380 of IPC (later on Section 411 IPC added), registered at Police Station Sarabha Nagar, District Ludhiana City alongwith all consequential proceedings qua petitioner Subhash Kumar is, hereby, quashed.

6. However, it is made clear that trial will proceed against co-accused Balwinder Singh. Disposed of accordingly.