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

**CRM-M-13290-2023**

Date of Decision:- 19.05.2025

**KULDEEP SINGH AND ANOTHER**

....Petitioners

Vs.

**STATE OF PUNJAB AND OTHERS**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Ashish Soi, Advocate for the petitioners.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Jagdeep Singh, Advocate for respondent No.4.

**AMARJOT BHATTI, J.**

1. Petitioners have filed instant petition for quashing of FIR No.171 dated 27.08.2021 under Sections 323, 354, 341, 34 IPC (Annexure P-3) and challan under Section 173 Cr.P.C. dated 07.02.2022 (Annexure P-9) registered at Police Station Tibba, District Ludhiana.

2. Facts of the case are, prosecutrix gave her statement to the police that on 17.05.2021 she had gone near HVM School Street No.2, Mohalla Moti Bagh Colony to collect money for tailored clothes and when she came out of the house of her client, she noticed Kuldeep Singh and Harpal Singh sitting on her Activa. When she enquired from them why they



were sitting on her scooter, Kuldeep Singh stated that since she was in relationship with Harjit Singh then she should also maintain relationship with them. She was waylaid by Kuldeep Singh and Harpal Singh. They started molesting her. Her clothes were torn. She was touched in an inappropriate manner. With these allegations, present FIR was registered. She was also medically examined from the Civil Hospital. Talks regarding compromise were also going on but no conclusion could be arrived at.

3. Learned counsel for petitioners argued that respondent No.2/complainant is in a habit of filing false complaint in order to compel the other party to settle the matter on favourable grounds. Earlier she had levelled allegations of rape against the brother of petitioner Kuldeep Singh. She had filed complaint against Harjit Singh dated 04.06.2021 (Annexure P-1). Matter was enquired by Assistant Commissioner of Police, Ludhiana who prepared his inquiry report dated 30.06.2021 (Annexure P-2). In the said inquiry report, no truth was found in the allegations levelled by respondent No.2/complainant. Even then FIR No.171 dated 27.08.2021 (*supra*) (Annexure P-3) was registered. In the said inquiry report, all the facts were considered in detail. There was no specific date, time and place regarding the incident. There was no private witness to the said occurrence. During inquiry proceedings, she could not handover her torn clothes. In-fact, respondent No.2/complainant took contradictory stand regarding the said incident. Present petitioners had given representation to Commissioner of Police, Ludhiana dated 16.11.2021 (Annexure P-4). There was another



complaint against respondent No.2/complainant dated 12.02.2022 (Annexure P-5) regarding giving false information to the police with the request for cancellation of aforesaid FIR. Petitioners had also approached this Court by filing CRM-M-8300-2022 in which status report was called. Status report filed by police, the orders dated 25.02.2022 and 15.02.2023 passed in aforesaid CRM-M-8300-2022 are annexed as Annexures P-6 to P-8. The Investigating Agency without conducting fair investigation presented challan dated 07.02.2022 in the Court (Annexure P-9). In-fact, petitioners have not committed any cognizable offence. It is submitted that registration of FIR and presentation of challan against present petitioners is gross misuse of criminal procedure of law, therefore, FIR (Annexure P-3) and subsequent proceedings be quashed by accepting present petition.

4. Learned counsel representing State assisted by learned counsel representing respondent No.4/complainant opposed the present petition that there are specific serious allegations against the petitioners. There was proper investigation done by the police. As per status report, challan has been presented before the trial Court on 27.02.2023 and charges are also framed on 13.03.2023. Now prosecution witnesses are to be examined. Present petition has been filed only to delay the proceedings of the trial.

5. I have considered the arguments and have gone through the record. Petitioners Kuldeep Singh and Harpal Singh have filed petition under Section 482 Cr.P.C. seeking quashing of FIR No.171 dated 27.08.2021 (Annexure P-3) as well as challan dated 07.02.2022 presented in this case



(Annexure P-9) along with subsequent proceedings. Contents of FIR clearly indicate that respondent No.4/complainant has narrated the incident when she was waylaid by them and both petitioners allegedly passed wrong comments and molested her. As per the version of respondent No.2/complainant, petitioners outraged her modesty by tearing off her clothes and they touched her in a wrongful manner. Petitioners are basically relying upon one inquiry report dated 30.06.2021 (Annexure P-2) which was not believed by the Investigating Agency. Representations given by petitioners were not found to be true and finally the challan (Annexure P-9) was presented. It is also matter of record that petitioner had also approached this Court by filing CRM-M-8300-2022 which was also disposed of vide order dated 15.02.2023 vide which the official respondents were directed to decide the fate of FIR No.171 dated 27.08.2021 within a period of one month from the passing of order. Investigating Agency on completion of investigation presented the challan in the aforesaid FIR (Annexure P-9). Stand taken by the petitioners that there was no eye witness to the incident, does not help the case of petitioners, firstly truthfulness in the version of respondent No.4/complainant can be decided after recording the prosecution evidence. Stand taken by the petitioners is matter of their defence. I do not find any reason to believe the version of petitioners and to discard the allegations levelled by respondent No.4/complainant. Thus, there are no exceptional circumstances to justify the present petition seeking quashing of FIR as well as the challan and subsequent proceedings thereon. As per the



status report, learned trial Court finding prima facie case against the petitioners, has already framed charges on 13.03.2023. In light of aforesaid factual position, merits of the case can be decided after conclusion of the trial, therefore, I do not find merits in the petition filed by petitioners seeking quashing of FIR No.171 dated 27.08.2021 under Sections 323, 354, 341, 34 IPC ( Annexure P-3), challan under Section 173 Cr.P.C. dated 07.02.2022 (Annexure P-9) and subsequent proceedings thereon and the same is, accordingly, declined.

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

**(AMARJOT BHATTI)**  
**JUDGE**

19.05.2025  
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Whether speaking/reasoned : Yes/No.  
Whether reportable : Yes/No