

Deepak Kumar and Another Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Jul-01-2013

Appellant : Deepak Kumar and Another

Respondent : State of Haryana

Judgement :

CRM not M-31258 of 2011(O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH (225) CRM not M-31258 of 2011(O&M) Date of decision:

01. 07.2013.

Deepak Kumar and anotherPetitioners Versus State of Haryana
.....Respondent CORAM: HON'BLE MRS.JUSTICE SABINA Present: Mr.Rakesh Nehra, Advocate for the petitioneRs.Mr.Gaurav Dhir, DAG, Haryana.

**** SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.281 dated 28.10.2009 under Sections 392 and 411 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Tauru, District Mewat and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners has submitted that qua the same occurrence, petitioners had faced trial in FIR No.440 of 2009 under Sections 399, 402, 411 and 34 IPC, registered at Police Station Nangloi (Annexure P-4).Hence, the petitioners could not be tried qua the same offence twice and the FIR in question was liable to be quashed.

Learned State counsel, on the other hand, has CRM not M-31258 of 2011(O&M) - 2- opposed the petition.

As per the prosecution case, on 27th October, 2009, Dinesh, Vikas Dalal, Kishan Lal @ Bholi and Ajit Singh Dabas @ Bittoo had looted truck bearing not HR-38K-7806.

Petitioners had allegedly purchased the stolen articles from the said persons at Delhi.

In this regard, FIR No.440 of 2009 under Sections 399, 402, 411 and 34 IPC was registered at Police Station Nangloi.

Petitioners along with other co-accused faced the trial.

Charges were framed against the petitioners under Sections 411 and 34, IPC.

The Trial Court vide judgement dated 06.04.2011 acquitted the petitioneRs.FIR in question has also been registered with regard to the same occurrence.

Vikas Dalal, Kishan Lal @ Bholi and Dinesh had also faced trial in the FIR in question and were acquitted of the charges framed against them by the Trial Court vide judgement dated 02.11.2010 (Annexure P-2).Thus, the main accused who had allegedly looted the truck in question have been acquitted by the Delhi Court as well as in the present FIR.

Petitioners who had allegedly purchased the stolen goods were acquitted by the Delhi Court.

Petitioners cannot be made to face trial with regard to the same allegations twice.

In any case, main accused who had faced the trial in the present FIR has since been acquitted.

Thus, continuation of criminal proceedings against the petitioners would be nothing but abuse of process of law.

Accordingly, this petition is allowed.

FIR No.281 dated 28.10.2009 under Sections 392 and 411, IPC registered at CRM not M-31258 of 2011(O&M) -3- Police Station Tauru, District Mewat and all the subsequent proceedings arising therefrom qua the petitioners are quashed.

(SABINA) JUDGE July 01, 2013 sandeep sethi

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