

CRM-M-1389 of 2015

Date of Decision: 14.01.2015

Gurmeet Kaur and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Roopak Bansal, Advocate
for the petitioners

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioners through the instant petition filed under Section 482 of the Code of Criminal Procedure, prays for quashing of FIR No.167 dated 27.9.2013 for offence punishable under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Sadar Fazilka, District Fazilka.

Counsel for the petitioners is fair enough to concede that the matter is still pending before the Investigating agency.

The Division Bench of this Court in *Crl. Appeal No. 28 DBA of 1991 (State of Punjab vs. Pritam Chand and others)*, decided on **25.1.2013**, after a detailed consideration of the various judgments rendered by this Court and Hon'ble the Supreme Court has culled out certain principles, which have been summarized in para 42. Sub para (ii) of para 42

lays down as under:-

“(ii) A complaint on the basis of which FIR has been registered or a criminal complaint under Section 200 Cr.P.C. cannot be quashed at the threshold by the High Court in exercise of its inherent or constitutional jurisdiction nor are the complainant or the investigating agency, as the case may be, expected to produce the relevant material at the initial stage for consideration of a court of competent jurisdiction for the formation of its opinion whether or not a prima facie case as per the ingredients described in different provisions of Indian Penal Code or any other Penal Law, is made out.”

In the light of the aforestated judgment passed by this Court, the present petition is liable to be dismissed being pre-mature and is ordered accordingly.

(REKHA MITTAL)
JUDGE

14.01.2015
PARAMJIT