

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-1510-2015

Date of decision : 15.01.2015

Binder @ Sukhwinder Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Vivek K.Thakur, Advocate
for the petitioners.

REKHA MITTAL, J.(ORAL)

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No.355 dated 27.12.2014 registered in Police Station Kapurthala, District Kapurthala for offence under Sections 382, 354, 342 read with Section 34 of the Indian Penal Code.

Counsel for the petitioners is fair enough to concede that investigation is still in progress and challan has not been presented in the Court.

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 aforesaid judgment passed by this Court, the petition is dismissed being pre-mature as the investigation is still in progress. The petitioners shall be at liberty to approach investigating agency with their stand in the case.

(REKHA MITTAL)
JUDGE

January 15, 2015.

DK