

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-34216 of 2015

Date of Decision: October 07, 2015

Tarsem Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Suvir Sidhu, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.90 dated 28.05.2004 under Sections 323, 326 read with Section 34 IPC registered at Police Station Lambi, District Sri Muktsar Sahib and all consequential proceedings arising out of the said FIR and for setting aside the impugned directions (Annexure P-7) dated 29.11.2014 under Section 320 IPC issued by learned District and Sessions Judge, Sri Muktsar Sahib, thereby directing the Principal Magistrate, Juvenile Justice Board, Sri Muktsar Sahib to enquire into matter regarding information of preparing false and forged documents by the petitioner.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner admitted that the present petitioner, after the trial, has been convicted and sentenced. In the appeal, the matter was remanded back to the Juvenile Justice Board declaring the present petitioner as juvenile and

it is also admitted that proceedings before the Juvenile Justice Board are going on. Nothing has been pointed out that no offence is made out in this case. Rather, the Court has already taken the cognizance and the proceedings are pending before the Juvenile Justice Board. Furthermore, as the petitioner has already been convicted by the trial Court and then in appeal, declaring the petitioner as juvenile, the matter was remanded back, it is clear that in no way, it can be held the no offence is made out. Nothing has been pointed out as to how the registration of the FIR against the present petitioner amounts to miscarriage of justice or abuse of process of the law. I do not find any merit in the petition to that extent.

Further, I find that Annexure P-7 is the letter written by learned District and Sessions Judge, Sri Muktsar Sahib to the Civil Judge (Jr. Division)-cum-Principal, Juvenile Justice Board, Sri Muktsar Sahib and in this letter, the Principal, Juvenile Justice Board was directed to enquire into the matter and to send the report to the office of District and Sessions Judge, Sri Muktsar Sahib within 10 days. On the face of it, Annexure P-7 shows that this letter has been issued on administrative side. No judicial order has been passed by learned District and Sessions Judge. Therefore, annexure P-7 is not liable to be quashed.

Keeping in view the above discussion, I do not find any merit in the present petition and the same is dismissed.

October 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE