In the High Court of Punjab and Haryana at Chandigarh

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Crl. Misc. No.M- 40109 of 2014(O&M)
Date of Decision: 27.01.2015

Jasbeer Singh Grewal ....*Petitioner*

versus

State of Punjab and another ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. J S Dadwal, Advocate
for the petitioner

Mr. Gazi Mohammad, DAG, Punjab
for the respondent State

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REKHA MITTAL, J. (Oral)

The petitioner, through the instant petition filed under Section 482 of the Code of Criminal Procedure, prays for quashing of FIR No. 57 dated 12.05.2013 under section 420, 498-A and 106 of the Indian Penal Code registered in Police Station Doraha, Police District Khanna, District Ludhiana.

Counsel for the petitioner 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

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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 descripted 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

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