

CRM-M-4267 of 2015

Date of Decision: 09.02.2015

Anokh Singh and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. P.P.S.Duggal, 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. 108 dated 25.11.2014 for offence punishable under Sections 447, 148, 149 of the Indian Penal Code read with Section 25 of the Arms Act, registered at Police Station Lakho Ke Behram, District Ferozepur.

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

09.02.2015
PARAMJIT