

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-4343 of 2015(O&M)
Date of decision : 20.03.2015**

Gurmail Kaur @ Galo & Anr.

..... Petitioners

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. H.S. Baath, Advocate
for petitioner.**

ANITA CHAUDHRY, J.

Heard.

The petitioners are seeking quashing of FIR No. 35 dated 08.07.2014 registered at Police Station bariwala, District Sri Muktsar Sahib under Section 15 of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case is that on 08.07.2014 police party saw three persons. One of them was a lady, sitting on bags near the canal bridge. On seeing the police party, one lady and one man escaped from the spot. The person who was apprehended revealed his name as Major Singh. He disclosed the names of persons who ran away as his son Bhinder and daughter-in-law Gurmail Kaur (the present petitioners). 120 Kgs of poppy husk was recovered from the bags.

Learned counsel contends that the petitioners have falsely been implicated in this case.

Learned counsel concedes that charges have framed against the petitioners and other co-accused and no ground is made to quash the FIR, especially when charge has been framed and trial has begun.

In the case of **Manjula Sinha Vs. State of U.P. & Ors. 2007(3)**

RCR (Crl.) 778, the Hon'ble Supreme Court in clear words have observed

that no question of quashing arises once the charges have been framed. The petitioners have specifically been named in the FIR by their father, who was apprehended at the spot. The petitioners had escaped from the spot. No ill will or enmity has been shown by them against their father for naming them. The powers under Section 482 Cr.P.C. have to be exercised sparingly and with circumspection, that too in rarest of rare cases, which do not exist in the present case. The trial of the petitioner is going on before the Court below. They can raise all the pleas before the trial court.

The petition is dismissed.

March 20, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE