

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

Crl.Misc.No.M-5869 of 2015

Date of decision : 30.3.2015

Rajinder Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....
Present : Mr.Anshul Mangla, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

The petitioner prays for quashing of FIR No.190 dated 12.8.2014 under Sections 332, 353, 186, 294 IPC registered at Police Station Chappar and also the report dated 12.9.2014 submitted by the police upon completion of the investigation.

As per the allegations set out in the FIR, the petitioner is accused of assaulting the police when they went to drop the complainant to the village. The petitioner would contend that the allegations as set out in the FIR are false. Besides, the Magistrate could not have taken cognizance of the same without resorting to the provisions of Section 195 Cr.P.C.

It is not in dispute that the learned trial court has since framed the charges against the petitioner. If that is so, then the petitioner would face at least two impediments in the instant

petition. First, in so far as the settled law of quashing the FIR would warrant non-interference by a court in the exercise of its jurisdiction under Section 482 Cr.P.C. if the FIR discloses the commission of an offence which in the instant case is manifest. The second impediment would be the fact that charges have been framed against the petitioner which would open a remedy to him to impugn such an order by way of filing a revision.

Upon due consideration, I would deem it appropriate to dispose of the instant petition as being without merit in so far as the first aspect of the matter regarding quashing of the FIR on the premise of the allegations being false but would leave the petitioner to his remedies in law in so far as the second aspect of filing a revision is concerned. Needless to say, the petitioner would be at liberty to take all the pleas that he has taken up in the instant petition including the bar of taking cognizance without resorting to the provisions of Section 195 Cr.P.C.

Petition disposed of.

30.3.2015
dss

(MAHESH GROVER)
JUDGE