

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.11386 of 2016 (O&M)
Date of decision : 04.04.2016

Deepak Yadav

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

This is a petition for quashing of FIR No.60 dated 10.03.2015, registered under Section 370 IPC and Section 6 of POCSO Act, 2012, Police Station KUK (Kurukshetra), District Kurukshetra.

The counsel for the petitioner states that petitioner is not a proclaimed offender and has not been arrested. The counsel urges that the trial against the other accused is going on and the prosecutrix has turned hostile and therefore, this FIR should be quashed.

The petitioner was named by the co-accused. The report under Section 173 Cr.P.C. is available with the counsel and has been seen. The police had recorded in the 173 Cr.P.C. report that the petitioner could not be arrested.

The petitioner had moved a petition for anticipatory bail which had been withdrawn as the Court was not inclined to grant anticipatory bail. The petitioner had been directed to surrender. He has failed to surrender.

The counsel had submitted that the complainant had given an affidavit giving a clean chit to the petitioner. The FIR cannot be quashed solely on the ground that an affidavit has been procured. The petitioner is evading his arrest. No ground for quashing is made out.

The petition is dismissed in limine.

04.04.2016
sunil

(ANITA CHAUDHRY)
JUDGE