

**IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.**

TAPINDER SINGH MANN
20/05/2016 17:51

Cr. Misc. M 18786 of 2016
Date of decision: 27/5/2016

Jaswinder Kaur and anr

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. HS Dhindsa, Advocate.

M.M.S.BEDI,J.

This is a petition for quashing of the FIR and all the criminal proceedings emanating therefrom.

Counsel for the petitioners submits that report u/s 173(2) Cr.P.C. has already been presented by the investigating agency. It has been urged by the counsel that there is absolutely no allegation against the petitioners in the FIR as well as in the material, which has been gathered by the prosecution agency.

After hearing counsel for the petitioners, I am of the opinion that in case no offence is made out against the petitioners, as per the FIR or the material forming part of the report u/s 173(2) Cr.P.C., it is always open to the petitioners, at the time of consideration of charges, before the trial court to raise the plea that no offence is made out. In case the trial court forms an opinion that there is no material against the petitioner, it is always open to the said court not to frame charges against the petitioners

Counsel for the petitioners seeks permission to withdraw the petition with liberty to raise all the pleas before the court of competent jurisdiction at the time of framing of charges.

Disposed of as withdrawn with the above said liberty.

May 27 ,2016
TSM

(M.M.S.BEDI)
JUDGE