

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

(122)

**CRM-M-25882-2016 (O&M)
Decided on: September 20, 2016.**

Narpen Goyal

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. M.K. Singla, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

Learned counsel for the petitioner has contended that despite a report Annexure P-6 prepared by an Officer of the rank of DSP in favour of the petitioner, the prosecution agency has opted to present challan under Section 173 (2) Cr.P.C.

With the assistance of learned counsel for the petitioner, I have gone through the report under Section 173 (2) Cr.P.C which contains a sanction by the competent authority to prosecute the petitioner.

The petitioner appears to have a strong defence in his favour which defence cannot be taken into consideration in the exercise of powers under Section 482 Cr.P.C to quash the proceedings taking into consideration the parameters laid down in **State of Haryana and others Vs. Ch. Bhajan Lal and others, AIR 1992 SC 604.**

Learned counsel for the petitioner at this stage seeks permission to withdraw the petition with liberty to raise the strong defence plea at opportune time by relying upon Annexure P-6.

The petition is permitted to be withdrawn without prejudice to the right of the petitioner to rely upon the defence documents Annexure P-6 at appropriate stage expecting that the same would be taken into consideration subject to its admissibility and relevancy at appropriate time.

Disposed of as withdrawn.

(M.M.S. BEDI)
JUDGE

September 20, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No