

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

Crl. Misc. M 25523 of 2014 (O&M)
Date of decision: 26.8.2016

Rajinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE A. B. CHAUDHARI

Present: Mr. Kapil Aggarwal, Advocate,
for the petitioner.

Mr. KS Sidhu, DAG, Punjab.

Mr. Manjit Singh, Advocate,
for respondent No.2.

A. B. CHAUDHARI, J. (Oral)

Heard learned counsel for the rival parties.

Learned counsel for the petitioner vehemently contends that the inquiry reports are in favour of the petitioner made by the District Magistrate as well as the police department.

Learned counsel for the complainant submits that pursuant to the inquiry made by the police, challan has been filed before the court and is pending in the trial court since 2014 and now the charge is likely to be framed in near future.

Learned counsel for the petitioner submits that role of the petitioner Rajinder Kumar is not definite and, therefore, FIR (Annexure P/3) against him is liable to be quashed.

I have perused the FIR and find that it is difficult to analyze

and find out the correct position, in view of various inquiry reports.

The fact remains that the charge sheet has been filed before the trial court and is pending since 2014. Looking to the entire matter, I think it is not possible for this Court to quash the FIR in exercise of the power under Section 482 of the Code of Criminal Procedure and proper course would be for the petitioner to apply for discharge, the case being a warrant trial.

In that view of the matter, I dispose of the present petition with liberty to the petitioner to apply for discharge before the trial judge. If an application for discharge is filed before the trial judge, the same shall be decided within a period of four months from the date of its filing.

The present petition stands disposed of accordingly.

26.8.2016
prem

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No