

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

(121)

**CRM-M-30547-2016 (O&M)
Decided on: September 27, 2016.**

Kulwant Kaur and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Ish Puneet Singh, Advocate, for the petitioners.

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

This is a petition for quashing of FIR No.151 dated 13.08.2013, under Sections 448, 427, 506, 451 read with Section 34 IPC registered at Police Station Division No.5, Jalandhar. The said FIR was registered at the instance of Raghbir Singh alleging that on 13.08.2013 the petitioners had threatened and thrown out the articles of the complainant from the tenanted shop and the possession of the shop has been taken by the petitioners.

Learned counsel for the petitioners has vehemently contended that the petitioners before this Court, are NRIs and have been involved in the case with mala fide intention on account of husband of petitioner No.1 having launched proceedings for defamation against the editor of a local daily paper. He has also submitted that the petitioners have been falsely implicated despite the fact that the complainant is still in possession of the property and steps are being taken by petitioner No.1 to seek his eviction by filing an ejectment application. It has also been submitted that in the written statement filed before the Rent Controller, the complainant has admitted that he is still in actual physical possession of the property.

I have heard learned counsel for the petitioners and gone through the record.

Perusal of the petition indicates that after presentation of challan, charges have already been framed by the trial Court on 25.10.2013. A revision petition against said order, filed by the petitioners, has been dismissed by the revisional Court. It will not be appropriate for this Court in the exercise of inherent jurisdiction to quash the FIR on the basis of the strong plea of defence put forth by the counsel for the petitioners before this Court.

On asking of the Court, it has been informed that one witness has already been examined and the next date of hearing before the trial Court is stated to be 06.10.2016.

This petition is disposed of as not maintainable. However, in the peculiar circumstances of the case, taking into consideration probable strong defence and the other circumstances of the case, while disposing of this petition, it is ordered that the trial Court shall conclude the trial within a period of six months by giving short dates of hearing and permitting the petitioners to produce their defence. It is further directed that the trial Court shall ensure that all the prosecution witnesses are examined within a period of three months by giving short dates.

Disposed of with the aforesaid directions with liberty to the petitioners to raise all the pleas at opportune time before the trial Court.

(M.M.S. BEDI)
JUDGE

September 27, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No