

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

(127)

**CRM-M-31756-2016 (O&M)
Decided on: September 09, 2016.**

Reena

.... Petitioner

Versus

State of Haryana and another

..... Respondents

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

Present: Mr. Bhisham Kumar, Advocate, for the petitioner.

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

Learned counsel for the petitioner submits that the petitioner is in actual physical possession and is ready to transfer the possession to the complainant.

Mr. Pankaj Middha, Advocate, has put in appearance on behalf of the complainant to submit that the petitioner is not in actual physical possession of the property.

In view of the challan having already been presented, it will not be fair to enter into the niceties of the trial to determine the culpability of the petitioner. I do not find the case of petitioner falling under any of the parameters laid down in **State of Haryana and another Vs. Ch.Bhajan Lal and others, AIR 1992 SC 512**, especially when challan has been presented.

No ground is made out for quashing of the FIR. If on the basis of report under Section 173 (2) Cr.P.C and the material appended to it, the trial Court, at the time of consideration of charges, arrives at a conclusion that no offence is made out against the petitioner, it will be open to the said Court to discharge the petitioner.

This petition is disposed of at this stage.

**(M.M.S. BEDI)
JUDGE**

September 09, 2016

harsha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No