

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

CRL. MISC. No.M-32964 OF 2016 (O&M)
DATE OF DECISION : 19th SEPTEMBER, 2016

Kishan Singh & another

.... Petitioners

Versus

Union of India & others

.... Respondents

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

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Present : Mr. Nitin Kaushal, Advocate for petitioners.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the petitioners.

The FIR lodged in the year 1997 is sought to be quashed in
the year 2016 by the present petitioners.

Learned counsel for the petitioner states that there was stay
order granted by the Supreme Court. I have seen the judgment and order
made by the Supreme Court so also order made by me on 03.08.2016.

The Supreme Court ultimately directed the trial Court to
commence the trial and also examine the issue of sanction on individual
basis i.e. in each case.

In my opinion, the delay of around 19 years in challenging
the FIR is fatal to the case of the petitioners. Therefore, I am not inclined
to entertain the petition to challenge FIR after 19 years. According to the
learned counsel for the petitioner he had never put to challenge the
proceedings in the last 19 years on any ground, including the ground
regarding territorial jurisdiction. None prohibited him from doing so.

In that view of the matter the petitioner is permitted to withdraw this petition, with liberty to file such application as is tenable in law, before the trial Court by raising all the grounds which are raised herein. The same shall be decided expeditiously. At the same time it must be remembered that the Supreme Court has directed the trial Court to decide the trial which was stayed for around 19 years and therefore, trial Judge should expedite the proceedings of the trial.

Accordingly the petition is dismissed as withdrawn, with direction to the trial Court to follow the judgment of the Supreme Court in letter and spirit.

19th SEPTEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.