

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-36155 of 2015(O&M)
Date of Decision: May 04, 2016

Dilawari and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.C.L.Panwar, Advocate
for the petitioners.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

Ms.Neeru Thareja, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondents for quashing of FIR No.103 dated 06.07.2014 under Sections 323, 325, 148 and 149 IPC and Section 308 IPC added subsequently, registered at Police Station Phase-8, Mohali, SAS Nagar and all the subsequent proceedings arising therefrom.

Notice of motion was issued and learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and contested the petition and replies were also filed.

At the time of arguments, learned counsel for the

petitioners mainly argued that the FIR is false one and the petitioners have been falsely implicated in the present case being the relative of main accused, who caused the injury. It is further argued that the whole family has been implicated in this FIR.

On the other hand, learned counsel for respondents No.2 and 3 argued that the challan in the present case has already been presented and charge has already been framed. She further argued that trial Court has already taken the cognizance and four witnesses have already been examined.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that, as argued, charges have already been framed and four witnesses have already been examined and the trial is going on before the trial Court and the trial Court has already taken the cognizance of the matter. The fact that whether this is a false case or whether some of the accused have been falsely implicated, are the findings of fact, which can only be given by the trial Court on the basis of the evidence produced before it. In this quashing petition, in no way, this Court from any document, can held that it is a false case or some of the family members have been falsely implicated. As per the FIR, the petitioners are named and after the investigation, all the petitioners have been challaned by the Investigating Officer. So, the finding of fact is to be given by the trial Court on the basis of the evidence.

In view of the above discussion, in no way, it can be held

that registration of the FIR in the present case, amounts to abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed. However, the trial Court is directed to expedite the trial by giving short adjournments or even by adjourning the case on day-to-day basis. Further, if any application is filed by the petitioners for personal exemption, the same will be decided by the trial Court as per law.

May 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE