

CRM-M-37528-2016

Date of Decision : 20.10.2016

Suraj Mal

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G., Haryana.

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

Learned counsel for the petitioner seeks quashing of FIR on the ground that no offence is made out against the petitioner on bare perusal of the FIR or the documents which form part of report under Section 173 (2) Cr.P.C.

Learned counsel for the petitioner submits that challan has already been presented in the Court and the trial is fixed for 21.10.2016 for consideration of charges and that no cognizance can be taken against the petitioner for want of a valid sanction, he being an employee of a public office.

I am of the opinion that the pleas taken by the petitioner can be raised before the trial Court at the time of consideration of charges.

Learned counsel for the petitioner has got an apprehension

that without considering all the points raised, the trial Court would frame the charges. The said apprehension appears to be misconceived.

This petition is disposed of as premature with liberty to the petitioner to raise all the pleas available to him before the trial Court at the time of consideration for framing charges. It is expected that in case the pleas raised in this petition are taken up before the trial Court, the trial Court shall pass a speaking order.

(M.M.S. BEDI)
JUDGE

20.10.2016

Neha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No