

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

(120)

CRM-M-45539-2016

Decided on: December 20, 2016.

Jaibir Singh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Gaurav Mohunta, Advocate, for the petitioner.

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

Petitioner seeks quashing of FIR No.615 dated 02.12.2015, under Sections 120-B, 420, 467, 468, 471 IPC and Section 13 (1) (d) of the Prevention of Corruption Act, 1988 registered at Police Station Gannaur, District Sonapat and all the criminal proceedings.

Though challan has already been presented, the petitioner still claims that on the basis of the documents which form part of the challan, no offence is made out against the petitioner warranting trial under Section 13 of the Prevention of Corruption Act or for the other offences which are included in the FIR.

Learned counsel for the petitioner submits that he had submitted a number of representations Annexures P-10, P-11 and P-12 to the higher police authorities for considering the various letters and revenue record which were indicative of the fact that the petitioner had not committed any criminal act in the capacity as Tehsildar, Gannaur.

Since the challan has already been presented, I do not find any ground in the exercise of powers of inherent jurisdiction pertaining to investigation as the scope of issuing any direction during course of investigation, is very meager and limited only to the extent of interfering in case there is any violation of statutory obligation, or in case there is abused of process of law or there is mala fide apparently on the face of record.

Since the challan has already been presented, no such direction can be issued at any stage.

Learned counsel for the petitioner, at this stage, has made another request that the revenue record which forms part of the challan if considered carefully in the light of the other material forming part of report under Section 173 (2) Cr.P.C, the petitioner is not guilty of any offence.

I have considered the said contention and I am of the opinion that all the arguments raised by the petitioner, in context to the documents which form part of the report under Section 173 (2) Cr.P.C, may be raised before the trial Court at the time of consideration of charges.

Counsel for the petitioner is under misconceived apprehension that the contentions, raised by the petitioner before the trial Court, will not be appreciated or considered.

This petition is disposed of as pre-mature relegating the petitioner to avail the alternative remedy by raising all the pleas in context to the material forming part of the report under Section 173 (2) Cr.P.C, to satisfy the trial Court that no offence is made out against the petitioner

warranting trial. It is expected that pleas raised on behalf of the petitioner at the time of consideration of charges, will be considered in the interest of justice.

(M.M.S. BEDI)
JUDGE

December 20, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No