

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

CRM No.M-4728 of 2016

Date of Decision: February 23, 2016

Aashish Luthra

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sanjeev Gupta, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Challenged in the present petition is the order dated 06.08.2014 (Annexure P-15) passed by learned Judicial Magistrate 1st Class, Jalandhar, vide which the charges were framed against the present petitioner under Section 406 and 420 IPC. Also challenged in the present petition is the order dated 26.08.2015 (Annexure P-16) passed by learned Addl. Sessions Judge, Jalandhar, vide which the revision against the order of framing the charges, was dismissed.

Heard.

It comes out that the petitioner had filed petition bearing No. CRM-M No.3593 of 2010 under Section 482 Cr.P.C. for quashing of the FIR in question, which was dismissed by this Court vide order dated 04.02.2015.

It is contended that SLP against the said order is pending before Hon'ble the Supreme Court of India. Pending the hearing of SLP, the parties have compromised the matter.

Before this Court, learned counsel for the petitioner has argued that from the facts, no offence is made out and that if the charges are framed, his SLP becomes infructuous.

I am of the view that charges are to be framed on the basis of police report under Section 173(2) Cr.P.C., the statements of the witnesses recorded under Section 161 Cr.P.C. and the documents placed on file. The merits of the case are not to be examined at this stage.

In these circumstances, when learned Magistrate has applied his mind to the facts of the case in framing the charges against the petitioner and the order of framing of the charges was upheld in revision, this Court does not find any ground to interfere in same. However, the petitioner can always pursue his remedy before Hon'ble the Apex Court for quashing of the FIR in question, if he feels that the FIR is misuse of process of court.

February 23, 2016
sarita

(KULDIP SINGH)
JUDGE