

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

CRM-M-7303-2016 (O&M).

Decided on: March 1, 2016.

Rajesh Kumar @ Rajesh Kumar Singh

.. Petitioner(s)

VERSUS

State of Haryana and another

.. Respondent(s)

*** * ***

CORAM:

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

*** * ***

PRESENT

**Mr.K.S.Dadwal, Advocate,
for the petitioner.**

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

On the basis of certain observations made by this Court in favour of the petitioner while granting him pre-arrest bail, the petitioner has approached this Court for quashing of proceedings submitting that since the petitioner is ready to execute the sale deed in favour of complainant by waiving the payment of balance of sale consideration, he cannot be said to have committed act of cheating or misappropriation of money belonging to complainant.

I have heard the counsel for the petitioner and I am of the opinion that the prosecution agency on the basis of the material gathered, during the course of investigation, has not till date made up its mind to file challan against the petitioner.

In view of said circumstances considering the defence plea of the petitioner, it will not be appropriate to quash the proceedings in the exercise of powers under Section 482 Cr.P.C.

This petition is disposed of as pre-mature, at this stage, with liberty to the petitioner to approach this Court again in

case the prosecution agency at any stage opts to present challan against the petitioner on the basis of material gathered.

Counsel for the petitioner has submitted that there is sufficient evidence available in the shape of testimony of the witnesses and documents which is not being taken into consideration though the statements are offered voluntarily.

I have considered the said contention. While disposing of this petition, it is observed that in case any witness offers his statement voluntarily pertaining to the subject matter of the FIR, the investigating agency, in view of provisions of Section 163(2) Cr.P.C. would be bound to take the same into consideration before presentation of challan. In case any such statement is not taken into consideration, it will be open to the petitioner to approach the concerned Superintendent of Police, with a representation.

(M.M.S. BEDI)
JUDGE

March 1, 2016.
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