

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

CRM No.M-18214 of 2017 (O&M)

Date of Decision: May 19, 2017

Narender Kumar Malhotra

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anand Chibbar, Senior Advocate with
Mr.Vaibhav Saini, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Harjesh Kumar for quashing the FIR No.0065 dated 02.04.2017 under Sections 448, 323, 511, 506, 148 and 149 IPC registered at Police Station Civil Lines Patiala, District Patiala.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, first of all, I find that challan has not been presented by the police and the matter is still under investigation. I have also perused the FIR, which is placed on record as Annexure P-1. The FIR has been got registered on the statement of Harjesh Kumar. It is stated in the FIR that on 02.04.2017 at about 11.30 a.m., the complainant went to the petrol pump for filling petrol in his scooty. In the meanwhile, his wife rang

him up that Narender Kumar Malhotra has forcibly entered in the house along with 8-10 persons and is smashing the household items and asking for the keys of the cars. Upon this, complainant rang up at No.100 and also informed the SHO on his mobile phone. The CCTV cameras outside the house were also removed by them in their cars and new hard disc was also taken away by Narender Kumar Malhotra in his presence.

The perusal of the FIR, in no way, shows that no offence is made out nor at this stage, there is no cogent document to show that present petitioner is in possession over the property in dispute. All these facts are first to be investigated by the Investigating Officer and then these facts are to be determined by the trial court on the basis of evidence. In no way, at this stage, it can be held that registration of the FIR in question against the present petitioner is abuse of process of law or amounts to miscarriage of justice.

In view of the above discussion, I do not find any ground to quash the FIR at this stage. Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, shall constitute my opinion on the merits of this case.

May 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No