

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-1408-2017(O&M)

Date of Decision : 07.08.2018

Gurjant Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. M.S. Khaira, Sr. Advocate with
Mr. Ripudaman Singh Sidhu, Advocate,
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J.(ORAL)

Reply by way of Affidavit of Amroz Singh, PPS, Deputy
Superintendent of Police, City-2, S.A.S. Nagar has been filed on behalf of
respondent No.1 in Court today, which is taken on record. Copy supplied.

2. In the instant petition, petitioner has prayed for the following
relief:-

*“Petition U/s 482 Cr.P.C. for quashing of FIR No. 424 dated
30.10.2009 (Annexure P-1), u/s 353/186/506 IPC registered at
P.S. Phase-I Mohali, District SAS Nagar, Order dated 18-10-
2016 (Annexure P-6) vide which application for discharge has
been illegally dismissed and order dated 28.11.2016 (Annexure
P-7) vide which charges have been framed against the
petitioner without considering the supplementary report filed
u/s 173(8) Cr.P.C. (Annexure P-4).”*

3. Learned counsel for the petitioner submitted that the trial Court
passed the order dated 18.10.2016 without going into the facts of report

under Section 173(8) Cr.P.C and further proceeded to frame charges on 28.11.2016. Learned trial Court fail to appreciate the fact of the report as the case was registered due to revenge.

4. On the other hand, learned counsel for the State raised a preliminary objection stating that petition under Section 482 Cr.P.C. is not maintainable and insofar as challenge to the orders dated 18.10.2016 and 28.11.2016 (Annexures P6 and P7) as petitioner has remedy of revision before the appropriate Court. Even the petition under Section 482 Cr.P.C. is not maintainable as the charges has already been framed and case is at the stage of evidence.

5. Heard the learned counsel for the parties.

6. In view of the fact that petitioner has not avail the remedy of revision, the present petition is not maintainable before this Court. Therefore, petition stands dismissed. Reserving the liberty to the petitioner to file revision petition, in accordance with law.

07.08.2018

neeraj

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/ No

Whether reportable?

Yes / No