

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

**CRM-M No.26851 of 2013 (O&M)
Date of decision : September 17, 2018**

Sarabjit Singh Kandhari

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Bahl, Sr. Advocate with
M/s J.S. Grewal & Akshay Rawal, Advocates for petitioner.
Mr. Saurav Khurana, DAG, Punjab.
Mr. Guninder Singh Brar, Advocate for respondent No.2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Shri Mandeep Mittal, Sub Divisional Judicial Magistrate, Giddarbaha, while deciding a complaint under Insecticides Act, 1968, ordered for registration of an FIR against the petitioner-Sarabjit Singh Kandhari, Vinod Kumar and Sukhdev Singh. Accordingly, FIR No.74, dated 13.06.2013 under Sections 420, 465, 468, 471 and 120-B IPC was registered at Police Station Gidderbaha, District Muktsar Sahib. Petitioner-Sarabjit Singh Kandhari has come for quashing of the said FIR.

After hearing learned counsel for the petitioner, I am of the view that the case has been registered on the basis of judicial verdict by the learned Sub Divisional Judicial Magistrate, which is under challenge. Therefore, this Court is not in a position to reassess the evidence to hold that no crime was committed. The petitioner can take appropriate plea in the appeal being the functionary of the State or can contest the case registered

against him by showing that the allegations against him are not proved.

Therefore, there is no ground to quash the FIR in question.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 17, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No