

**266-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.26852 of 2013 (O&M)
Date of decision : September 17, 2018**

Vinod Kumar and another Petitioners

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 petitioners.
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. Petitioners-Vinod Kumar and Sukhdev Singh have come for quashing of the said FIR.

After hearing learned counsel for the petitioners, 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 petitioners can take appropriate plea in the appeal being the functionary of the State or can contest the case

registered against them by showing that the allegations against them are not proved. Therefore, there is no ground to quash the FIR in question.

Accordingly, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 17, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No