

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

CRM-M-26389 of 2018(O&M)

Date of Decision:12.07.2018

Solitare Projects Pvt. Ltd. and othersPETITIONERS
Vs.

State of Haryana and anotherRESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.G.S.Bedi, Advocate for the petitioners.

Mr.Vikas Malik, DAG, Haryana.

Mr.R.S.Rai, Senior Advocate with
Mr.Kunal Dawar, Advocate for respondent No.2.

RAJBIR SEHRAWAT, J.(Oral)

Present petition has been filed challenging the order dated 13.06.2018 (Annexure P-13) passed by the Ld. ACJM, Gurugram under Section 156(3) of Cr.P.C. whereby Magistrate has issued a direction to register the FIR on the complaint made by respondent No.2.

Relying upon a judgment of Hon'ble the Supreme Court reported in *2015(2) Law Herald (SC) 1124-Mrs. Priyanka Srivastava and another Vs. State of U.P. and others*, operation of the impugned order was stayed and the hearing of the case was fixed for today.

Learned State counsel, on instructions from Sub Inspector Rajesh Kumar, has informed the Court that, in fact, the order passed by the Magistrate had been executed and the FIR had already been registered on 19.06.2018, before this Court passed the order staying operation of the order of the Magistrate.

In view of the above, present petition qua the challenge to the order of the Magistrate has been rendered infructuous. However, it is clarified that any observation made by the Magistrate in this order shall not affect either the investigation of the case or any other proceedings, if any, flowing from this FIR. The FIR shall be investigated independently by the Investigating Officer.

At this stage, learned counsel for the petitioner submits that he intends to challenge the FIR itself and he may be granted liberty to file a petition for quashing of the FIR on merits of the case.

In view of the above, petitioner is granted liberty to challenge the FIR, if he so desires, on merits of the case.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

12.07.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No