

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

**CRM-M No.3230 of 2016
Date of decision: 25.09.2018**

Ujjwal Watts

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of FIR No.24 dated 01.03.2012 registered under Sections 279 and 337 IPC at Police Station Phase 8, Mohali and all other consequential proceedings arising therefrom.

While issuing notice of motion on 29.01.2016, it was observed that though FIR was registered on 01.03.2012, however, till that date, no report under Section 173 Cr.P.C. was presented.

Reply by way of affidavit of the Deputy Superintendent of Police, S.A.S. Nagar, Mohali, is on record and as per the reply, the report under Section 173 Cr.P.C. was prepared on 10.05.2013 by the then Station House Officer, Police Station Phase 8, Mohali, and the same was approved by the DDA (Legal), Mohali, for presentation before the Court on 20.12.2013, however, the same could not be produced and, therefore, a departmental enquiry has been initiated against the erring officers vide office order No.1392-99/Steno dated 21.05.2016. It is further stated in the affidavit that the report under

Section 173 Cr.P.C., has been presented before the Illaqa Magistrate on 19.05.2016.

Counsel for the State, on instructions from ASI Nishan Singh, has submitted that charges have already been framed against the petitioner and now the case before the trial Court is fixed for prosecution evidence.

In view of the above, counsel for the petitioner seeks permission to withdraw this petition with liberty to raise all the pleas/defences during the course of trial especially the defence available to the petitioner as per provisions of Section 468 Cr.P.C.

Dismissed as withdrawn with liberty aforesaid.

(ARVIND SINGH SANGWAN)
JUDGE

25.09.2018
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No