

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

Smriti
2018.05.17 15:50
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**CRM-M-34189-2016 (O&M)
Date of Decision: 11.05.2018**

Gregory Porto and another

...Petitioners

V/S

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for quashing of notice dated 06.04.2016 (Annexure P9) issued by Cyber Cell, Faridabad under Section 160 Cr.P.C. in connection with investigation in FIR No. 231 dated 01.07.2014 registered at Cyber Cell, Faridabad on the ground that they are not residing in India.

This petition is pending since 2016 and on 25.07.2017, counsel for the petitioner had sought time to address arguments as to how this petition is maintainable under Section 482 Cr.P.C. challenging the summon/notice under Section 160 Cr.P.C.

Learned State counsel, on instructions from HC Baldev Kumar, has submitted that the investigation in the FIR is still pending as the petitioners, in pursuance to the notice issued under Section 160 Cr.P.C., have not appeared before the Investigating Officer and have not joined the investigation.

As per section 160 Cr.P.C., any police officer making an investigation is authorized to require the attendance of a person for the purpose of investigation. Since there is no representation on behalf of the petitioners and the notice issued under Section 160 Cr.P.C. is only for the purpose of calling a witness, learned State counsel has submitted that the petitioners are challenging

the said notice on the ground that they are residing abroad, though, it is well within the knowledge of the petitioners that they are required to appear before the Investigating Officer in connection with the aforesaid FIR, yet the petitioners are avoiding the same and investigation is still pending.

In view of the above, finding no merit in this petition, the same is, hereby, dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

11.05.2018
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Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No