

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(242)

CRM M-35025-2014

Decided on: February 20, 2018.

CHANDER MOHAN

.... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. N.K. Vadehra, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

The petitioner in this application seeks quashing of FIR No.
2 dated 19.04.2014 under Section 174-A of the Indian Penal Code.

The grounds for such quashing happen to be the apparent violation of the Statutory provision under Section 195(1) of the Cr.P.C. whereby cognizance of the offences punishable under Section 172 to 188 (both inclusive) is barred except in the case of a complaint in writing by the concerned Public Servant or anyone authorized in writing in this behalf.

The contention of the petitioner before this Court is that the

FIR in the present case was lodged on the complaint of an Advocate namely Pardeep Singh who was neither a Public Servant nor specifically authorized to do so as required under the Statute. Hence the contention that the subsequent proceedings are in violation of the statute, and therefore liable to be quashed.

The prayer is opposed on behalf of State by contending that fag end of the trial has virtually approached inasmuch as prosecution evidence has already been closed and the matter is now pending for defence evidence even after examination of the accused under Section 313 Cr.P.C. having been completed.

If that be the position, this Court is not inclined to quash the pending proceedings at this stage since in any case the same are approaching their termination very soon, and especially in view of a specific order passed earlier in the present case by a Coordinate Bench on 12.05.2016, whereby while allowing time to the petitioner's side to prepare the case and address arguments, a direction was passed that "proceedings of the Trial Court were to continue".

In these circumstances the matter is disposed off with a liberty to the petitioner to raise the point of non-maintainability of the proceedings by virtue of the bar under Section 191(1) Cr.P.C. at the appropriate stage of arguments, along with other contentions available to him.

The Ld. Trial Court is further directed to complete the trial

as expeditiously as possible, and preferably within a period of 2 months from the date of communication of this order.

(SUDIP AHLUWALIA)
JUDGE

February 20, 2018.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No