

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

CRM-M-44015-2018

Date of decision:-6.10.2018

Manjinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Gurcharan Dass, Advocate
for the petitioners.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.221 dated 31.8.2018, under Sections 147, 149, 363, 366-A, 506 IPC, registered with Police Station Ellenabad, District Sirsa and all subsequent proceedings arising therefrom has been filed by petitioners Manjinder Singh, Manjit Singh, Mandeep Kaur, Rupinder Singh alias Pinda and Kamaljit Singh alias Kamma, who are accused in this case.

According to the petitioners, they are innocent and have been falsely involved in this case. As a matter of fact petitioner No.1 Manjinder Singh and Harshdeep Kaur daughter of Dilbag Singh – complainant had fallen in love and requested their parents to solemnize their marriage but Dilbag Singh and his family did not agree, therefore, Manjinder Singh and Harshdeep Kaur solemnized their marriage on

16.5.2018 against the wishes of family of Harshdeep Kaur; that Harshdeep Kaur had submitted an application to SSP, Bathinda for granting them protection and had approached the Punjab State Human Rights Commission also, even then Dilbag Singh lodged the FIR in question against Manjinder Singh and his family members, who are petitioners before this Court, therefore, quashing of the FIR and ancillary proceedings has been sought for.

I have heard learned counsel for the petitioners besides going through the record.

Admittedly, the FIR is at the stage of investigation. The petitioners can put forward all the pleas so taken by them in the petition before the investigating agency and if the investigating agency is convinced by the same and find that no cognizable offence is disclosed against the petitioners, then they may get a clean chit and may not be challaned. Even if it is taken that challan against them is prepared and filed in the Court, they would get an opportunity to raise all these pleas before the trial Court at the time of addressing arguments on the point of framing of charge and seek discharge in the case and if the trial Court frames charge against the petitioners, they can very well file revision petition against that.

Thus no ground is made out to quash the FIR in question along with ancillary proceedings in the light of the fact that petitioners are named in the FIR and criminal acts attributed to them pointing out towards commission of cognizable offences. Therefore, it cannot be said that the FIR does not disclose any cognizable offence against the petitioners and furthermore there is nothing to show at this stage that it

is an abuse of law.

Learned counsel for the petitioners has referred to *Dharamvir alias Sabhi Versus State of Punjab and others, 2011(5) RCR(Criminal)700, Jagir Singh and another Versus State of Punjab and another, 2010(9) RCR(Criminal) 531, Vipin Saini Versus State of Punjab and others, 2011(2) RCR(Criminal)383*. But those authorities do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Accordingly, the petitioners are relegated to the remedy of taking all these pleas before the investigating agency, whereas the petition in question stands dismissed.

(H.S.MADAAN)
JUDGE

6.10.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No