

CRM-M-48413 of 2017

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

CRM-M-48413 of 2017 (O&M)
Date of Decision: 09.07.2018

Abid Hussain

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. M.D. Khan, Advocate, for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 482 Cr.P.C. has been made for quashing FIR No.0404 dated 22.10.2017 (Annexure P-1) registered under Section 295-A IPC at Police Station Hathin, District Palwal.

According to the learned State counsel, final report under Section 173 Cr.P.C. has already been filed and the case is fixed for 13.07.2018 for arguments on framing of charges.

Learned counsel for the petitioner *inter alia* contends that police has wrongly submitted final report against the petitioner without any legal evidence. Therefore, impugned FIR is liable to be quashed, which was got registered belatedly after 12 days. Mobile number, from which offence under Section 295-A IPC is alleged to have been committed, does not belong to the petitioner. Therefore, he has wrongly been challaned. On coming to know of the whatsapp message, the petitioner tendered his

apology by way of reply on the same group of whatsapp, clarifying that message was wrongly sent by some child.

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Having given thoughtful consideration to the submissions made by learned counsel for both the sides, this Court is of the view that this petition has rendered infructuous after filing of final report inasmuch as the petitioner has now legal remedy to raise all the pleas which are taken in this petition at the time of consideration on charge.

Dismissed. Petitioner may raise all points taken up in this petition before the trial Court at the time of framing of charge.

July 09, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No