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

CRM-M-13362 of 2018

Date of decision: November 28, 2019

Harpreet Singh Bedi and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. K.S. Brar, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG Punjab.

Mr. G.S. Brar, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.'), for quashing of FIR No.0039 dated 08.03.2017, under Sections 448, 511, 427, 454, 380 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sarabha Nagar, District Police Commissionerate, Ludhiana, along with all other consequential proceedings.

In the present case, FIR was registered on the basis of complaint made by respondent No.2-Improvement Trust Ludhiana, with the allegations that allotment of community centre situated at Bhai Randhir Singh Nagar was cancelled by Additional Chief Secretary, Local Bodies, Punjab *inter alia* on account of misuse of the premises and even the review petition against the order of cancellation was also rejected by the authorities. Consequently, the premises was sealed and locks were

put on the doors of the same. Despite the above factual position, seal was broken and doors were removed and even the petitioners started constructed a wall on the spot. Thus, they illegally interfered in the public property as well as damaged the same being against the orders of the Government.

Learned State counsel, on instructions from police official present in Court to assist him, has apprised the Court that after submission of report under Section 173 of Cr. P.C., charges were framed against the petitioners, on 02.08.2019, and now the case is pending for prosecution evidence, on 12.12.2019.

Although, learned counsel for the petitioners submitted that present FIR has been registered on account of political rivalry as petitioner No.1 is the General Secretary of Welfare Society of the area for the last about 15 years, whereas petitioner No.2 is his son and both are doing social work for the public at large and community centre is being used for the welfare of the society.

Be that as it may, concededly after investigation of the matter, report under Section 173 of Cr.P.C. has already been submitted; and after consideration of the same, even charges were framed, on 02.08.2019 against the petitioners and now the case is pending for recording the prosecution evidence, on 12.12.2019 before the learned trial Court.

Thus, at best, the contention raised on behalf of the petitioners are the pleas of defence; which could be raised before the learned trial Court, at the appropriate stage.

In view of the above, entertaining of the present petition under Section 482 Cr.P.c. would amount to virtually conducting a parallel trial by this Court and as such, no ground for quashing of FIR in question is made out.

Petition stands dismissed, accordingly.

However, the petitioners would be at liberty to raise all the pleas available to them before the learned trial Court at the appropriate stage(s).

Learned trial Court is requested to expedite the trial.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

November 28, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No