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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8936-2019

Date of Decision : March 19, 2019

Ranbir Gulia

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Ms. Bhupinder Kaur, Advocate,
for Mr. Sanjeev Kodan, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure is for quashing of FIR No. 894 dated 7.10.2017 (Annexure P/1) under Section 8 of the Haryana Prohibition of Cow Slaughter Act, 1972 registered at Police Station – Jhajjar.

2. Learned counsel for the petitioner contended that the petitioner alone has been arrayed as an accused, who is an operator of M/s Suraj Bhatta Company, (for short, the “Brick Kiln”) and no action has been taken against the second accused, namely Jai Parkash who was the proprietor of the said Brick Kiln. He has neither been kept in column No. 2 of report under Section 173 Cr.P.C. The petitioner has been involved in the present FIR due to political rivalry. So, the present petition be accepted and the FIR be quashed.

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3. Having considered the submissions made by learned counsel for the petitioner and appraisal of record of this case, this Court is of the considered view that there is no justified ground for quashing of FIR at this stage. At the best, the plea taken by learned counsel for the petitioner can be taken as plea of defence. More so, after completion of investigation, challan has already been presented before learned trial Judge and if the charge has already been framed, it is matter of defence only to be led by the petitioner.

4. The power of quashing of FIR/criminal proceedings should be exercised very sparingly in the rarest of rare cases. Such a view was taken by Hon`ble Apex Court in **Dineshbhai Chandubhai Patel and Ors Vs. States of Gujarat and Ors**, AIR 2018 SC 314, wherein Apex Court observed that the inherent powers of the High Court, which are obviously not defined being inherent in its very nature cannot be stretched to any extent else it would lead to committing the jurisdictional error in deciding the case.

5. In view of the above, there is no merit in the present petition and the same stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

March 19, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes