

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

202

**CRM-M-15683 of 2017
Date of Decision: 17.01.2019**

Dayanand Mor and anotherPetitioners.

Versus

State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. A.S. Dhindsa, Advocate for the petitioners.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Salil Bali, Advocate for respondent No.2.

Shekher Dhawan, J.

Present petition is for quashing of FIR No.490 dated 02.10.2016, under Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, registered at Police Station Manesar, District Gurgaon.

Learned counsel for the petitioners contended that the petitioners have been falsely implicated in this case because petitioner No.1 Dayanand Mor is lecturer of Govt. Polytechnic College, Manesar and petitioner No.2 Dharampal is Senior Lecturer in the same college, under the supervision of petitioners. During the course of working, the petitioners had asked the complainant to discharge his duty and complaint was filed before the committee and the committee exonerated the present petitioners. Thereafter, the present complaint which formed basis for registration of the present FIR, was filed with incorrect facts.

Learned State counsel as well as counsel for respondent No.2 contended that the present petition is under Section 482 Cr.P.C. and the plea taken by the petitioners, at the most is restricted to the facts which can be considered and decided during the trial.

Learned counsel for the petitioners seeks permission to withdraw the present petition, at this stage, with liberty to take all these pleas before learned trial Judge at appropriate stage. However, learned counsel for the petitioners contended that the petitioners, being government servants, have to discharge their duties and it would be difficult for them to attend proceedings of the case on all the dates fixed before learned trial Judge.

In view of the above, the present petition stands dismissed as withdrawn, with liberty aforesaid. However, if an application for exemption of personal appearance of the petitioners is filed before learned trial Judge, the learned trial Judge shall consider the same sympathetically.

(SHEKHER DHAWAN)
JUDGE

17.01.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No