

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

116

CRM-M-11608 of 2019 (O&M)

Date of Decision: 24.07.2019

Krishan Gautam

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurdial Singh Jaswal, Advocate
for the petitioner.

ANIL KSHETARPAL, J (ORAL)

Prayer in this petition is to quash the FIR No.258 dated 04.08.2018 registered under Section 14 of Foreigners Act, 1946, at Police Station Central Sector-17, Chandigarh.

Argument of learned counsel is that the violation as alleged in the FIR and found by the investigating agency is not of the Foreigners Act, 1946 but is in fact of Rule 14 of the rules framed under the Registration of Foreigners Act, 1939. He submits that FIR has been registered under a wrong Act. He further submits that as per Registration of Foreigners Rules, 1992 framed under the Registration of Foreigners Act, 1939, the only punishment prescribed is penalty/fine of Rs.500/-.

This Court has considered the submission. It is undisputed that the charges have not been framed by the trial Court, although, final report has been submitted.

Keeping in view the aforesaid fact, the present petition is

disposed of with a direction to the trial Court to consider the argument of learned counsel for the petitioner as noticed above and pass a speaking order thereon at the time of decision to frame charge or not, within 2 months unless there is any other impediment.

In view thereof, the present petition is disposed of.

24.07.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No