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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20434-2016 (O&M)
Date of decision-29.04.2019

Partap Singh and another

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner No.1.

Mr. ADS Sukhija, Advocate for petitioner No.2.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. S.S.Behl, Advocate for respondent Nos.2 and 3.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners for quashing of FIR No.128 dated 03.07.2015 registered under Sections 406 and 420 read with Section 34 of Indian Penal Code at Police Station Division No.7, Ludhiana.

In response to this petition, reply by way of affidavit of PPS, Assistant Commissioner of Police (East), Ludhiana on behalf of respondent No.1-State has been filed wherein it is mentioned that after completion of investigation, final report under Section 173 Cr.P.C stands presented before the Court of Ms. Surekha Rani, learned Judicial Magistrate First Class, Ludhiana.

Learned counsel for the petitioners have drawn the attention of

this Court to the order dated 01.09.2017 whereby miscellaneous application bearing No.23369 of 2017 was filed for staying the further proceedings before the trial Court. The said application was taken up for hearing on 21.09.2017 and the following order was passed by this Court:-

“This is an application under Section 482 Cr.P.C. for staying the further proceedings before the trial Court.

Notice of the application was issued. Learned State counsel has put in appearance on behalf of respondent-State and filed reply in the Court today. Same is taken on record.

Learned counsel for the applicants-petitioners states that case before the trial Court is fixed for 25.09.2017 for framing of charges. He further states that further proceedings before the trial Court may be stayed, otherwise the instant petition will become infructuous.

Heard.

Keeping in view the above facts, framing of charges by the trial Court will be subject to the decision of the instant petition.

Disposed of accordingly.”

It is not disputed that pursuant to the said order, the trial Court has proceeded to frame the charges. However, counsel appearing for the parties are unable to give the exact date of order of framing charges. On the strength of the order dated 21.09.2017, it is vehemently contented that this petition was kept alive by this Court and therefore, it would be appropriate if the same is decided on merits.

The submissions made by learned counsel for the petitioners is without any merit as neither the final report submitted by the Police is on record of this case nor the order framing charges. Besides, the trial Court has already applied its mind to the material on record of the case and has proceeded to frame the charges. The said order is revisable.

In view of the above, no ground is made out to invoke the inherent powers under Section 482 Cr.P.C.

Dismissed.

However, it shall be open for the petitioners to seek alternative remedy as available to them. All pending miscellaneous applications in this case are dismissed as infructuous.

(MANOJ BAJAJ)
JUDGE

29.04.2019
sd/vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No