

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

CRM-M No.27521 of 2017 (O&M)

Date of decision : 21.05.2019

Mohan Lal Kaushik

..... Petitioner

versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Pawan Kumar, Senior Advocate with
 Ms. Rajni Gupta, Advocate
 for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. S.S.Narula, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.214 dated 24.02.2017 registered under Sections 120-B IPC and Sections 10/12/13 (1) (D), 7/8 of the Prevention of Corruption Act, 1998 at P.S. Hisar Civil Lines, Hisar as well as the subsequent proceedings arising therefrom.

On 11.01.2019 the following order was passed :-

“This petition has been filed for quashing the FIR and one of the main ground taken is that though the alleged interception of the phone calls was found in February 2014 and the matter was reported to the Government on 4.6.2014 yet FIR was lodged two and a half years thereafter in February

2017. In the reply filed by the State no explanation has been given as to what it took so long to take action on such a serious matter and whether sanction has been obtained.

Learned DAG seeks a short adjournment to file affidavit on these two specific aspects.

Adjourned to 15.2.2019.”

Reply by way of affidavit of Vijay Singh, HPS, Deputy Superintendent of Police, State Crime Bureau, Hisar on behalf of State has been filed and para 5 of which is as follows :-

*“5. That opinion regarding obtaining sanction regarding the petitioner was written to Superintendent of Police (Crime), Panchkula from the office of DSP, Crime, Hisar vide letter No.1135 dated 30.10.2018 and letter bearing No.23139/CR1/Panchkula dated 18.12.2018 of DGP (Crime), Haryana was written to Advocate General, Haryana for seeking opinion and till date the said opinion is pending in the said office. Copy of the letter bearing No.23139/CR1/Panchkula dated 18.12.2018 is attached herewith as **ANNEXURE R-5.**”*

Counsel appearing for the respondents state that no further proceedings can take place in this case till such time as competent authority grant sanction.

In my opinion, the present petition is premature. That though challan has been presented yet cognizance can not be taken nor any further proceedings till sanction comes. In the circumstances, in case the competent authority declines to grant sanction the petitioner would have no cause of action. Conversely if sanction is granted, the petitioner would have to challenge the same. Till such time as the decision is taken on the

sanction the petitioner's presence is exempted.

Petition stands dismissed as premature.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.05.2019

pooja sharma-I

(AJAY TEWARI)
JUDGE

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