

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28744 of 2015 (O&M)

Date of Decision: 23.10.2019

Shiv Charan

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing of FIR No.276 dated 02.06.2013 under Sections 498-A, 406, 506, 34 IPC registered at Police Station Samalkha, District Panipat.

Counsel for the petitioner has argued that there is no specific allegation against the petitioner in the FIR. Since the allegations so levelled by the complainant under Sections 376 and 511 IPC were false, the same were rightly deleted and the petitioner was found innocent for those offences. He has further submitted that after registration of the present

FIR, since Anil Kumar son of the petitioner had committed suicide therefore, the complainant and her father had to face trial in FIR No.42 dated 12.04.2014 under Sections 306/34 IPC and both were convicted under Sections 306/34 IPC and sentenced to undergo sentence for a period of 5 years. Counsel for the petitioner has relied upon a judgment of the Apex Court in the case of **Neelu Chopra & anr. Vs. Bharti** 2010(1) RCR (Criminal) 115 to contend that since the main allegations were against the husband only with minor references against the petitioner and the husband has already died, the FIR in question needs to be quashed.

At this stage, counsel for the complainant as well as learned State counsel submit that trial in the case is at an advance stage, as out of the total 12 witnesses cited by the prosecution, as many as 9 witnesses have already been examined and the remaining witnesses are official witnesses. It is because of interim order passed by this Court, trial in the case is not going ahead.

Having heard learned counsel for the parties and considering the fact that out of the total 12 witnesses cited by the prosecution, as many as 9 witnesses have already been examined and the remaining witnesses are merely official witnesses, this Court finds that the evidence in the case is almost complete and only formal witnesses are required to be examined.

Without observing anything on the merits of the case, as it is for the trial Court to appreciate the evidence so recorded, the present petition is disposed of, at this stage, with a direction that in case the petitioner submits any application for his personal exemption, the trial

Court shall grant such exemption unless his presence is specifically required in the case.

October 23, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No