

CRM-M-33056 of 2018

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

CRM-M-33056 of 2018
Date of decision: 04.04.2019

Krishan Mehra Advocate and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Devinder Singh, Advocate, for the petitioners.
Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.191 dated 26.03.2018 registered under sections 186, 419, 420, 120-B IPC at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner *inter alia* contends that offences under Sections 419 and 420 IPC are not made out. Petitioner No.1 has no role in the alleged occurrence, nor even he was present at the relevant time. He has been implicated falsely.

On the other hand, learned State counsel refuting the above submissions, contends that, in fact, accused Parveen was facing trial in case FIR No. 588 of 2016 under Sections 283, 337, 304A IPC registered at Police Station Sadar Bahadurgarh in the Court of Judicial Magistrate, Bahadurgarh. On 26.03.2018, prosecution had to lead its evidence.

Statement of complainant Deepak was under process through his counsel.

CRM-M-33056 of 2018

Petitioner No.3 – accused Parveen, his brother petitioner No.2 Devender along with their counsel petitioner No.1 created hurdle in recording the statement of Deepak, for which, Naib Court got recorded the impugned FIR.

Having given thoughtful consideration to the rival submissions, this Court is of the considered view that matter requires appreciation of evidence, which can only be done by the trial Court after recording evidence of both the sides. Therefore, at this stage under Section 482 Cr.P.C. impugned FIR cannot be quashed.

At this stage, learned counsel for the petitioners prays that he may be allowed to withdraw this petition.

Dismissed as withdrawn.

April 04, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No