

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

**CRM-M No.33885 of 2017 (O&M)
Date of Decision: 16.01.2019**

Deepak Sharma and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev Chopra, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for respondent No.1/State.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.150 dated 14.10.2014 (P-1), under Sections 365 and 384 of the Indian Penal Code, registered at Police Station Division No.5, Jalandhar along with all consequential proceedings arising therefrom.

In response to the notice of motion, issued by this Court, reply by way of affidavit dated 04.05.2018 of Sh. Balwinder Singh, PPS, Asstt. Commissioner of Police, West, Jalandhar on behalf of respondent No.1/State has been filed. The same is taken on record. Copy supplied to the opposite side.

It is contended by learned Counsel for the petitioners that as a matter of fact, false FIR has been registered against the petitioners and even District Attorney, Legal, Jalandhar has also given his report to that effect.

Perusal of the affidavit, filed by Sh. Balwinder Singh, PPS, ACP, West, Jalandhar reveals that after registration of the FIR in question, due investigation was conducted. Thereafter, report under Section 173 Cr.P.C. was

submitted before the Court of competent jurisdiction and even the charges have also been framed against petitioner Nos.2 and 3. Further reveals that since petitioner Nos.1 and 4 did not join the investigation, therefore, proceedings under Section 82 Cr.P.C. have been initiated against them.

Since report under Section 173 Cr.P.C. has already been submitted and after framing of the charges, the case is fixed for prosecution evidence. Therefore, *prima facie*, there is sufficient material available against the petitioners.

In view of the above, the arguments of learned Counsel for the petitioners regarding false implication cannot be accepted at this stage and that will be examined during trial.

Accordingly, the present petition is dismissed.

The above observations may not be construed as an expression of opinion by learned trial Court.

January 16, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes