

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-46502-2018 (O&M)

Date of decision: 05.04.2019

Surjit Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. K.S. Lakhanpal, Advocate
for the petitioner.

None for the complainant.

ANIL KSHETARPAL, J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No.125 dated 26.11.2017 registered under Sections 497/380/506 registered at Police Station Kathgarh, District SBS Nagar and all the subsequent proceedings arising out of the FIR.

In the considered view of this Court, the petition is liable to be dismissed on following grounds:-

1. The petitioner has failed to disclose as to what is the status of investigation. Counsel for the petitioner on 20.02.2019 sought time to verify the latest status of the proceedings. However, this Court has not been apprised of the latest status of the proceedings.

2. It has been noticed that the bail granted to the petitioner was confirmed on 20.08.2018.

3. Only argument of learned counsel for the petitioner is that Section 497 of the Indian Penal Code has been declared unconstitutional by a Constitutional Bench of the Hon'ble Supreme Court in the case of Joseph Shine Vs. Union of India, 2018 SCC Online SC 1676. No doubt, the Hon'ble Supreme Court has quashed Section 497 of the Indian Penal Code in the present form, however, that itself does not result in quashing the proceedings, the case registered against the petitioners is also under Section 380 and 506 of the Indian Penal Code.

Hence, the present petition is dismissed with the observations that the petitioner shall be at liberty to apprise the police authorities or Judicial Magistrate concerned wherever the proceedings are pending about the latest judgment of the Hon'ble Supreme Court and it is expected that the authorities would take action thereon.

The petition is dismissed.

05.04.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No