

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-34193 of 2019 (O&M)
Date of decision : August 22, 2019

Mukesh Singh Gurjar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. SS Verma, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

The accused-petitioner Mukesh Singh Gurjar has come up in this petition under Section 482 of Cr.P.C. seeking quashment of FIR No. 37 dated 27.2.2019 under Section 346 IPC and later on added Sections 363, 366, 376 and 34 IPC, Police Station Badhra, District Charkhi Dadri.

Heard Mr. SS Verma, learned counsel for the petitioner and perused the records.

The primary grounds that have come about are that the

petitioner was on duty when it is alleged that wife of the complainant Jasbir had left her matrimonial home and at no point of time she had eloped with the petitioner or there is any question of her rape.

The plea of alibi that is sought to be raised before this Court is a matter to be adjudicated at the trial upon evidence. Whether it was a rape or a consensual relationship too would be decided by the trial court on the strength of the evidence before it. The courts needs to be slow in quashing an FIR when the investigations are under way or the question under dispute is subject to decision on the basis of evidence. This Court is not inclined to show any indulgence and the present petition, thus stands dismissed in *limine*.

August 22, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No