

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48935-2019 (O&M)
Date of Decision:- 18.11.2019

Sanjeev Kumar @ Bholu

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Hundal, Senior Advocate with
Mr. Jashandeep Singh, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner has approached this court seeking quashing of the FIR No.132, dated 25.9.2019, registered at Police Station Titram, District Kaithal, under Section 12 of POCSO Act and Sections 354, 354-D, 506 IPC.

Learned counsel for the petitioner has submitted that although allegations on account of the FIR are broadly to the effect that the petitioner had passed some obscene remarks to the prosecutrix on 11.8.2019 in front of her school whereas in fact 11.8.2019 happens to be a “Sunday”. Learned counsel has submitted that the prosecutrix has taken her consistent stand regarding the occurrence having taken place on 11.8.2019 in her statements

recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C., which clearly belies case of the prosecution as there was no occasion for prosecutrix to go to school on a Sunday. It has further been submitted that falsity of the FIR would also be evident from the fact that there is a delay of about 1 ½ months in lodging the FIR.

Having considered rival submissions addressed before this Court and while refraining from making any expression as regards the veracity of the allegations leveled in the petition, the petition is disposed of with a liberty to the petitioner to raise all the pleas raised herein before the Trial Court, at appropriate stage, including the stage when the Trial Court would be considering framing of charges.

The Trial Court is directed to consider all the pleas meticulously and pass a speaking order at the time of framing of charges.

November 18, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No