

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

CRM-M-10192-2020

Date of decision:-12.3.2020

Ishwar Singh Yadav

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.H.P.S. Ghuman, Advocate
for the petitioner.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. has been filed by petitioner Ishwar Singh Yadav seeking quashing of FIR No.703 dated 26.12.2017 for the offences under Sections 120-B, 409 IPC, registered at Police Station City Narnaul, District Mahendergarh as well as private Complaint COMI No.118/2018 dated 20.9.2018 for the reason that substratum of the FIR and complaint are common with complaint Annexure P-1 and proceedings before the trial Court have been stayed by this Court vide order dated 26.8.2016.

I have heard learned counsel for the petitioner besides going through the record and I find that the allegations are not substratum as alleged, rather there is difference in allegations so levelled. There is nothing to suggest that the FIR lodged and complaint filed are abuse of process of law, which might have called for

interference by this Court while exercising jurisdiction under Section 482 Cr.P.C. The petitioner may raise all the pleas before the trial Court at appropriate stage which can then be considered and taken note of by the trial Court in accordance with law.

As regards the judgment **Prem Chand Singh Versus The State of Uttar Pradesh and another**, Criminal Appeal No.237 of 2020 (Arising out of SLP(Crl.) No.4592 of 2017) referred to by learned counsel for the petitioner, the same is not applicable since it dilates that a person once convicted or acquitted is not to be tried for the same offence. Whereas the petitioner does not allege that he had already been tried by the Court of competent jurisdiction on the allegations as given in the FIR and private complaint. Rather his grouse is that FIR has been lodged and another private complaint filed substantially on the same allegations as contained in Complaint Case No.55/11/15 of 17.12.2015.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

12.3.2020
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No