

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

**CRM-M-38952-2017
Decided on : 17.01.2020**

Major Rahul Kumar

. . . Petitioner(s)

Versus

Union Territory, Chandigarh and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. G.S. Ghuman, Advocate
for the petitioner(s).

Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, Addl. PP, UT Chandigarh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 347, dated 06.09.2016, under Sections 341, 332, 353, 354 (D), 34 IPC, registered at Police Station 17, Chandigarh (Annexure P-1) and also for quashing of the challan (Final Report) under Section 173 Cr.P.C., whereby, the petitioner has been charged under Sections 341, 332, 353, 354 (D), 34 and 506 IPC (Annexure P-13).

I have heard learned counsel for the parties and perused the case file.

It cannot not be overemphasized that the exercise of power under Section 482 Cr.P.C. is an extra ordinary power vested in this Court, which should be exercised only if the allegations levelled against the accused *prima facie* do not disclose a triable offence.

In the case in hand, on a perusal of the aforementioned FIR, no *prima facie* case for quashing is made out. At this stage, the correctness or otherwise of the allegations levelled in the FIR cannot be gone into, as the

same would be dealt by the trial Court when the evidence is adduced by both the parties.

In support of his case, learned counsel for the petitioner has placed reliance upon **State of Haryana and others Vs. Ch. Bhajan Lal and others, 1991(1) RCR (Crl) 383, Parshant Bharti Vs. State of NCT of Delhi, 2013 AIR (SC) (Crl) 1778, Manoj Kumar Sharma and others Vs. State of Chhattisgarh, 2016 AIR (SC) 3930, Varala Bharath Kumar and another Vs. State of Telangana and another, 2017 AIR (SC) 4434**. The aforesaid judgments so cited, would not be of any help to the case of the petitioner.

No ground has been made out by the learned counsel for the petitioner, to warrant interference by this Court to exercise its powers conferred under Section 482 Cr.P.C.

The petitioner is at liberty to raise all the pleas as taken in the instant petition before the trial Court at the time of framing of charges. The trial Court will proceed thereafter in accordance with the provision of law, expeditiously. The trial Court shall endeavour to conclude the trial, if so warranted, preferably within six months from the date of passing of this order. Parties shall appear before the trial Court on 30.01.2020.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No