

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

(Proceedings conducted through video conferencing)

CRM-M No.26183 of 2020(O&M)

Date of decision: 4.9.2020

Amar Singh Malhotra and anotherPetitioners

VERSUS

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ranjit Saini, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The petitioners, through this petition filed under Section 482 of the Code of Criminal Procedure, pray for quashing of FIR No. 84 dated 07.03.2020 for offence under Sections 323, 406, 498-A, 506 of IPC registered at Police Station Barara, District Ambala.

Counsel for the petitioners is fair enough to concede that the matter is still pending before the Investigating agency.

The Division Bench of this Court in **Crl. Appeal No. 28 DBA of 1991 (State of Punjab vs. Pritam Chand and others)**, decided on **25.1.2013**, after a detailed consideration of the various judgments rendered by this Court and Hon'ble the Supreme Court has culled out certain principles, which have been summarized in para 42. Sub para (ii) of para 42 lays down as under:-

“(ii) A complaint on the basis of which FIR has been registered or a criminal complaint under Section 200 Cr.P.C. cannot be quashed at the threshold by the High Court in exercise of its inherent or constitutional

jurisdiction nor are the complainant or the investigating agency, as the case may be, expected to produce the relevant material at the initial stage for consideration of a court of competent jurisdiction for the formation of its opinion whether or not a prima facie case as per the ingredients described in different provisions of Indian Penal Code or any other Penal Law, is made out.”

In the light of the aforestated judgment passed by this Court, the present petition is liable to be dismissed being pre-mature and is ordered accordingly.

SEPTEMBER 4, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no