

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

CRM-M-26951-2020
Date of Decision: 09.09.2020

MadanPetitioner

Versus

State of Haryana & anotherRespondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vineet Chaudhary, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing FIR No. 214 dated 13.08.2020 registered under Section 379 IPC at Police Station Dadri Sadar, District Charkhi Dadri and all the consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the above noted FIR, inasmuch as he had not committed the theft of buffalo and that the above noted FIR had been registered as a counterblast to the FIR No. 203 dated 03.04.2018 under Sections 323, 506 read with Section 34 IPC and Section 3 of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dadri Sadar, District Charkhi Dadri, by the mother of the petitioner. It is

further submitted that the petitioner had moved a representation dated 18.08.2020 before the Superintendent of Police, Charkhi Dadri (Annexure P.5), but no action has been taken thereon.

The FIR in this case was registered on 13.08.2020. Even the petitioner is stated to have made a representation dated 18.08.2020 to the Superintendent of Police, Charkhi Dadri. The investigation in the FIR is at a very initial stage and, thus, it cannot be said that the registration of the FIR is an abuse of process of law.

Faced with this situation, learned counsel for the petitioner states that the present petition may be disposed of with liberty to the petitioner to approach the Magistrate concerned with all the pleas, as have been raised in the present petition, in terms of the judgment of the Hon'ble Supreme Court in Vinubhai Haribhai Malaviya and Ors. Vs. The State of Gujarat and Anr., 2019 AIR (SC) 5233, (para 23).

Ordered accordingly.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

09.09.2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No