

CRM-M-35213 of 2020 (O&M)

Date of Decision: 02.11.2020

Pramod Nimbedia

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Deepak Jindal, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. ORAL

1. Petition herein is under Section 482 Cr.P.C. for quashing of FIR No.0264 dated 06.06.2020, registered under Sections 188, 341, 353, 504 IPC, at Police Station City Mahendergarh.

2. Per FIR, on 05.06.2020, officials of Municipal Committee, Mahendergarh were on routine duty to monitor the opening and closure of shops in market as per Covid-19 guidelines. Petitioner obstructed them from discharging their official duties and exhorted not to issue *challan* of the shop keepers. He also threatened them to get them dismissed from service claiming his relations with higher authorities. On these broad allegations, DDR was entered initially but was later converted into an FIR, impugned therein.

3. Upon service of advance notice of petition, Mr. Bhupender Singh, DAG Haryana has joined the proceedings through Video Conferencing. He submits that

investigation in the case is complete. Challan has already presented in the Court on 26.10.2020. Trial is slated to commence in due course.

4. Learned counsel for the petitioner submits that the petitioner is a social worker. He is associated with over all social work and the development of city. He, inter alia, argues that impugned FIR has been lodged as a counter-blast to FIR No. 217 dated 12.05.2020, at the instance of a suspended Councilor of the area, namely Surendra @ Bunty. The said earlier FIR No. 217 is registered against Surendra @ Bunty under Sections 120-B, 188, 342 and 504 IPC at Police Station City, Mahendergarh.

5. On the other hand, learned State counsel resists the prayer of the petitioner. He submits that there are specific allegations against the petitioner of having caused obstruction in the discharge of official duties of government servant. According to him, it would be a matter of trial, whether the impugned FIR is counter-blast or not.

6. Having heard learned counsel for the parties, I am of the opinion that no interference is warranted, at this stage when investigation is complete and the challan has already been filed. Power under Section 482 Cr.P.C. ought to be exercised sparingly, with circumspection and in rare cases. Discretion under section 482 is an exception and not a rule. It has to be exercised only to prevent abuse of the process of Court and to secure the ends of justice, where the Court is of the view that initiation or continuance of criminal proceedings amounts to abuse of the process of Court.

7. It is also equally settled that this Court while exercising its jurisdiction under Section 482 Cr.P.C. does not conduct a trial or appreciate evidence. It is limited to cases which compel intervention to prevent palpable abuse of legal process. It is intended to secure justice but not to scuttle justice at the threshold.

8. Adverting to the facts of the instant case, no grounds are made out to interfere. Dismissed with liberty to the petitioner to raise all the pleas taken in the present petition before the trial Court at the appropriate stage.

NOVEMBER 02, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable **Yes/No**