

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M-36384 of 2020

Date of Decision: 6.11.2020

Sushil Kumar Gandhi @ Sushil Gandhi

---Petitioner

versus

State of U.T. Chandigarh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Suneet Kumar, Advocate
for the petitioner**

Rekha Mittal, J.

The petitioner, through this petition filed under Section 482 of the Code of Criminal Procedure, prays for quashing of FIR No. 139 dated 27.8.2020 registered at Police Station, Mani Majra, U.T.Chandigarh. for offence punishable under Sections 420, 120-B IPC.

Counsel for the petitioner 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 ordered accordingly.

(Rekha Mittal)
Judge

6.11.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No