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

CRM-M-6253-2021

Date of decision-11.02.2021

Jaswant Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.L.Bajaj, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

This petition under Section 482 Cr.P.C has been filed seeking quashing the General Diary No.025 dated 07.01.2021 (Annexure P-3) whereby respondent No.5 wrongly withdrawn the offence punishable under Section 452 IPC and exonerated respondent No.8 from FIR No.75 dated 30.09.2020 registered under Sections 452, 323, 324, 148, 149 and 506 IPC (Sections 307 and 326 IPC added later on) at Police Station Kotfatta, District Bathinda.

Learned counsel contends that by way of General Diary No.025 dated 07.01.2021 (Annexure P-3), the offence punishable under Section 452 IPC, which was incorporated in the FIR has been deleted by the Investigating Officer only on the ground that according to him, the alleged occurrence took place in the street instead of house of the petitioner. He submits that once the clear and specific allegations have been made by the complainant, the said deletion of offence punishable under Section 452 IPC is bad and therefore, the General Diary No.025 dated 07.01.2021 be

quashed.

During the course of hearing, it is not disputed by learned counsel that the investigation in the above FIR is in progress and the final report is yet to be filed.

After hearing learned counsel for the petitioner, this Court finds that merely during investigation particular offence has been deleted, that alone would not be sufficient for exercising the inherent powers, particularly when final report is yet to be prepared. Even otherwise, if the material on record suggests the commission of an offence, the Court can take cognizance of the said offence even if the Police has not incorporated the said offence in the final report. Since the issue raised in the petition can be raised by the petitioner at subsequent stage also, therefore, this Court does not find it to be a fit case for exercising the inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

11.02.2021

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