

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M-19488 of 2021 (O&M)

Date of Decision:24.08.2021

Pooja Rani and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

CRM-26246 of 2021

Vide this application, the report submitted under Section 173 of the Cr.P.C., qua the FIR in question, is sought to be placed on record with the accompanying petition.

No notice having been issued in the accompanying petition, none is required to be issued in this application, which is consequently allowed subject to all just exceptions and the copy of the aforesaid *challan* is taken on record as Annexure P-6 with the accompanying petition.

Main case

By this petition, quashing of FIR No.103, dated 17.05.2020, is sought, registered at Police Station Sadar Pathankot, District Pathankot, for the alleged commission of offences punishable under Sections 341, 427, 506/34 IPC.

Learned counsel for the petitioners submits that the FIR has been registered wholly as a counter blast to the civil suit instituted by the petitioners, against the complainant, his wife and his mother-in-law, for fraudulently getting executed two sale deeds qua land belonging to the petitioners, with the complainants' wife in fact having been their counsel in some other litigation.

He therefore submits that the FIR deserves to be quashed there being no truth in it.

Having considered the matter, whereas what has been contended before this court may be true, or may not be true, however, in the absence of any kind of evidence with regard to the occurrence in question, presented before this court to come to a conclusion that the FIR (on the basis of such evidence) deserves to be quashed at the initial stage of the trial before the trial court, this court cannot substitute itself for the trial court, as evidence would need to be led to prove/disprove any charges framed against the petitioners.

Consequently, without making any comment whatsoever on the merits of the case, this petition is dismissed, with obviously the petitioners always at liberty to lead whatever evidence they wish to and raise all pleas that may be legally available to them before the trial court, at each successive stage of the trial.

August 24, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes