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

CRM-M-34656-2021

Date of decision : 09.09.2021

Sunil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Balbir Singh Saini, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for quashing of FIR No.262 dated 15.10.2020 registered under Sections 279, 337 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Udyog Vihar, District Gurugram (Annexure P-1) as well as all the consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that the present FIR deserves to be quashed in view of the fact that there is a delay of 6 days in registration of the FIR. He has relied upon a letter dated 09.10.2020 (Annexure P-2) to state that although the complainant was fit to give his statement on 09.10.2020, yet the FIR has been registered on 15.10.2020.

Learned counsel for the petitioner has further stated that the

motive behind the registration of the present FIR is only to extract money from the petitioner.

Learned counsel for the petitioner has also submitted that the petitioner had submitted an application to the police before presentation of the challan and it is his grievance that the same has not been decided.

This Court has heard the learned counsel for the parties but however, does not find any merit in the case.

A perusal of the FIR would show that the specific allegations have been mentioned as per which it has been stated that a car bearing No.HR-26EE-6295 which was being driven by the petitioner at a fast speed and in a negligent manner, came and hit the motorcycle which the complainant was driving and then the complainant fell down on the road and suffered injuries. The petitioner has been specifically named in the FIR.

Merely, on account of delay of 6 days in registration of FIR, the FIR cannot be quashed. Moreover, no circumstance has been shown by the learned counsel for the petitioner which shows that merely on account of the said delay, FIR could be quashed. The other argument of learned counsel for the petitioner that FIR has been registered only to extract money from the petitioner, is also baseless. As per the allegations made in the FIR, offence under Sections 279 and 337 of the IPC is, prima facie made out.

With respect to the argument of learned counsel for the petitioner that an application moved before the police before presentation of the challan, was not decided, no provisions of law have been shown to this Court which stipulate that the petitioner is entitled to move a representation/application regarding which a specific order is required to be

passed by the Investigating Agency.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

However, the observations made in the present petition shall not be taken as expression of opinion on the merits of the main case in the trial independently.

09.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No