

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

**CRM-M No.35610 of 2021
Date of Decision:-31.08.2021**

Rajinder Singh Dhanoa

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the quashing of the FIR bearing No.57 dated 05.08.2021 registered at Police Station Patara, District Jalandhar, under Sections 341 and 506 IPC and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') as well as all the consequential proceedings arising therefrom, while averring that the same amount to an abuse of the process of law.

Learned counsel for the petitioner has placed reliance upon the observations made by the Single Benches of this Court in ***Dilbagh Singh and others Versus Sukhjinder Kaur, 2010(24) R.C.R. (Criminal) 93*** and ***Dr. Onkar Chander Jagpal and another Versus Union Territory, Chandigrh and another, 2012(1) R.C.R. (Criminal) 931*** in support of his contention to the effect that from the contents of the subject FIR, the

offence under the SC/ST Act is not made out against the petitioner at all.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab, who has joined the proceedings on behalf of respondent No.1-State in this case in pursuance of the copy of the present petition having been sent to this respondent in advance, apprises the Court that the investigation qua the afore-said FIR is at the initial stage and she argues that in view of the said fact, the present petition is not maintainable.

From the above-discussed submission, as made by learned State counsel, it is explicit that the investigation in the case is still continuing. While setting aside the order of the High Court quashing the FIR, Hon'ble the Supreme Court has observed in the **Criminal Appeal No.423 of 2018, State of Tamil Nadu Versus S. Martin Etc.** decided on 28.03.2018, that *"the assessment made by the High Court at a stage when the investigation was yet to be completed, was completely incorrect and uncalled for"*. These observations are fully applicable to the instant case and in the light of the same, it is explicit that this petition is not maintainable at this stage. It being so, the observations made in ***Dilbagh Singh and others (supra)*** and ***Dr. Onkar Chander Jagpal (supra)*** would be of no avail to the petitioner.

Resultantly, the present petition stands dismissed accordingly.

August 31, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>