

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

CRM-M-35229-2020 (O&M)

Date of decision: 16.03.2021

Sarita

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sanchit Punia, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Petitioner-accused Sarita by way of filing the present petition under Section 482 Cr.P.C., seeks quashing of FIR No.364 dated 29.08.2020, for offences under Sections 323, 452 and 506 IPC, registered with Police Station Civil Lines, Hisar along with ancillary proceedings arising therefrom.

Briefly stated the prosecution story is that, criminal machinery in this case was set into motion by complainant Smt. Naveda wife of Maidyal, who in the written complaint submitted by her to the police stated that on 27.08.2020, at about 8.30 AM, while she was alone in the house, then her daughter in-law Sarita (present petitioner) having a danda came there and started abusing her; she gave a danda blow on her

left hand and thereafter caught hold her from her neck and threatened to kill her; thereafter, she made a call to her son Pardeep who took her to General Hospital, Hisar for treatment; on the basis of that written complaint, formal FIR was registered and the investigation in the case started.

I have heard learned counsel for the parties besides going through the record.

The case is said to be at the stage of investigation and the challan is yet to be filed. In that way, the petitioner has got an opportunity of joining investigation and raising all the pleas before the Investigating Officer, who may consider the same while coming to the conclusion as to whether the sufficient material is there to forward the accused to face trial for the offences for which she has been booked or otherwise. The FIR is liable to be cancelled on account of lack of evidence and in case the challan is filed against her, she has got remedy of raising all the pleas before the trial Court at the time of consideration on the point of charge by moving an application for discharge. Therefore, no ground is there to quashing the FIR along with ancillary proceedings by exercising powers under Section 482 Cr.P.C. The petition is disposed of relegating the petitioner to the remedy aforementioned.

16.03.2021

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(H.S. MADAAN)
JUDGE

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