

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

CRM-M-36836-2020(O&M)

Date of decision:-25.1.2021

Rakesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present : Mr.Dinesh Sharma, Advocate
for the petitioner.

Mr.Karan Garg, AAG, Haryana.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

Petitioner Rakesh Kumar, an accused in FIR no.253 dated 27.12.2019, under Section 379-B IPC, registered with Police Station Bilaspur, District Yamuna Nagar has filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR and other ancillary proceedings taking various pleas i.e. he is not named in the FIR; no offence under Section 379-B IPC is made out against him; that the vehicle in question is hypothecated with the Shriram Finance Company and the petitioner is paying installments; the FIR is a counter-blast to the complaint moved by petitioner against the complainant before C.M. Window dated 12.12.2019 etc.

Notice of the petition had been given to the State and written reply to the petition has been filed by the State contending that the petitioner is the main culprit since he had come with two other

unknown persons and snatched tractor trolley No.HR01V-3779 and that the investigation in the case is going on.

Under the circumstances, the present petition is doomed for failure. After registration of the FIR, the matter is to be investigated so as to unfold the complete story as to how the incident was planned and executed, the persons who had taken part in the crime and role played by each one of the assailant. If as a result of investigation, the police/investigating agency is successful in collecting sufficient evidence against a person/persons disclosing commission of cognizable offence, only then such person(s) is/are forwarded to the Court to face trial. However, if during investigation the suspect or a nominated persons is successful in convincing the investigating agency that he has not committed any offence, then he may not be challaned. Therefore, the appropriate remedy for the petitioner is to take all these pleas before the Investigating Officer, who may look into the same during the course of investigation. The petitioner cannot be allowed to get the investigation in the case brought to a stand-still and get the FIR and ancillary proceedings quashed by invoking the jurisdiction of this Court under Section 482 Cr.P.C. Such jurisdiction is to be exercised by this Court to prevent abuse of process of the Court or otherwise to secure the ends of justice. The facts and circumstances of the case do not warrant exercise of such jurisdiction because there is nothing to show that involvement of accused in this case is result of abuse of process of law or that commission of any cognizable offence is not disclosed against him from the story set up by the prosecution.

Therefore, the petition is doomed for failure and is

dismissed accordingly.

25.1.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No