

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

**CRM-M No.43263 of 2021
Date of Decision:-14.10.2021**

Parmesh Kumar

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Munfaid Khan, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner seeks the quashing of the FIR bearing No.0178 dated 09.07.2021 registered at Police Station Sadar Tauru, District Nuh, under Sections 323 and 506 IPC as well as all the subsequent proceedings arising therefrom, while averring that the same amount to the misuse of the process of law.

Learned counsel for the petitioner contends that the subject FIR has been got registered as a counter-blast to the civil dispute already pending between the parties and the allegations, as levelled in the same, are totally false.

Mr. S.S. Pannu, learned Deputy Advocate General, Haryana, 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 he 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 held that this petition is not maintainable at this stage.

Resultantly, the present petition stands dismissed accordingly.

October 14, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*