

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

116

CRM-M-3204-2022

Date of Decision : **February 08, 2022**

GURJANT SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. I.S.Chawla, Advocate
for the petitioners.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.88 dated 9.6.2018, under Sections 417, 420, 500, 506, 120-B IPC registered at Police Station Sadar, Jalalabad, District Fazilka.

The present petition has been filed by three petitioners, namely, Gurjant Singh, Desa Singh and Paramjeet Kaur @ Jeeto Bai.

At the outset, learned counsel for the petitioners was put a query by this Court as to how the present petition was maintainable in view of the fact that earlier also the aforesaid petitioners had filed a petition under Section 482 Cr.P.C. for quashing of the FIR and vide order dated 24.1.2020 in CRM-M-3290 of 2020 they had withdrawn the petition at that stage with liberty to file afresh petition with better particulars after attaching the report under Section 173 Cr.P.C. and, therefore, the petition was dismissed as withdrawn at that stage with

liberty. The order dated 24.1.2020 in CRM-M-3290-2020 is reproduced as under:-

“Counsel for the petitioners seeks permission to withdraw the present petition, at this stage with liberty to file afresh petition with better particulars after attaching the report under Section 173 Cr.P.C.

Dismissed as withdrawn, at this stage with liberty aforesaid.”

The learned counsel for the petitioners has, however, expressed his ignorance by stating that he was not aware as to whether earlier petition was filed or not. When his attention was drawn to para No.16 of the petition in which it has been stated that no such similar petition has earlier been filed by the petitioners before this Hon'ble Court or the Hon'ble Supreme Court of India, he again stated that he was not aware that earlier petition was filed and the same was dismissed as withdrawn. The present petition has been supported by an affidavit of petitioner-Gurjant Singh.

A perusal of the aforesaid order passed in CRM-M-3290-2020 would show that at that stage the petitioners had withdrawn the petition with liberty to file afresh petition with better particulars after attaching the report under Section 173 Cr.P.C. but even till date the matter is at the investigation stage and challan has not been presented under Section 173 Cr.P.C. and it has been so stated by the petitioners in para No.14 of the present petition that the challan is yet to be presented by the police under Section 173 Cr.P.C.

At this stage, Mr. Randhir Singh Thind, learned DAG,

Punjab has also submitted that the matter is at the investigation stage and challan has not been presented in the present case.

In view of the aforesaid factual position that earlier the petitioners had withdrawn the petition for quashing of the FIR so that they may file another petition by attaching the report under Section 173 Cr.P.C. but even till date the challan has not been presented, the present petition would not be maintainable. Apart from the same, the petitioners have also concealed material fact regarding withdrawal of the earlier petition by stating in para No.16 of the petition supported by an affidavit of petitioner-Gurjant Singh that no such similar petition was filed earlier.

In view of the above, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

February 08, 2022

ajay-1

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