

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

CRM-M-12268-2022

Date of decision : 20.09.2022

Mohd. Akram @ Soni

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Singla, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.6 dated 02.02.2016, registered for the offences punishable under Sections 307, 148, 149, 324, 323 IPC and Section 27 of Arms Act (Offences under Section 307 IPC and Section 27 of Arms Act were deleted later on and offence under Section 201 IPC was added) at Police Station City-II, Malerkotla, District Sangrur.

2. Counsel for the petitioner submits that the petitioner has been nominated in the FIR as Bhanja of Anwar Soni, whereas during the course of trial, another version has cropped up where Bhanja of Anwar has been stated to be Abdul Majeed @ Sony. Thus he submits that it is a case of dispute w.r.t. the identity and thus it will be a case for exercise of jurisdiction under Section 482 Cr.P.C. on the basis of which FIR and all consequential proceedings should be quashed qua the petitioners.

3. I have heard counsel for the petitioner.

4. The argument raised by the petitioner involves a disputed question of fact.

5. Exercise of jurisdiction under Section 482 Cr.P.C. is governed by law laid down by Apex Court in *State of Haryana vs. Bhajan Lal* reported as *1992 SCC (Cri) 426*, the same cannot be invoked until and unless the petitioner brings his case squarely within the parameters laid down in Bhajan Lal's case (supra). This Court at this stage cannot conduct a mini trial or roving enquiry. However, while exercising jurisdiction under Section 482 Cr.P.C., this Court cannot take a view to adjudicate disputed question of fact. Thus, there is no merit in the present petition. Consequently, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

20.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No