

CRM-M-30871-2018

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

**CRM-M-30871-2018 (O & M)
Date of decision: 18.10.2022**

Davinder Kumar

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S.Ghuman, Advocate for
Mr. Piyush Sharma, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

On the oral request of the learned counsel for the parties, the main case is preponed from 02.02.2023 to that of today and taken on Board.

Through this petition, the petitioner seeks quashing of FIR No.16 dated 03.07.2018, registered at Police Station Arif Ke, District Ferozepur, under Sections 304-A, 337, 338, 427 and 279 IPC, and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that respondent No.2-complainant sworn an affidavit dated 10.07.2018 (Annexure P-2) that the petitioner was not the same person, who was driving the car at the time of the alleged occurrence.

On the other hand, learned State counsel submitted that the above-noted FIR was registered on 03.07.2018; that the petitioner was

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evading his arrest, but was arrested only on 06.10.2022, and that investigation is still going on.

I have heard the learned counsel for the parties.

Admittedly, the investigation in the present case is still going on.

The Hon'ble Supreme Court, in case titled as State of Karnataka and Another vs Pastor P. Raju, 2006 (3) RCR (Criminal) 859, has held that the High Court is not to quash the FIR when the matter is under investigation by the Police. The relevant extracts from the aforesaid judgment would read as under:-

“20. Thus the legal position is absolutely clear and also settled by judicial authorities that the Court would not interfere with the investigation or during the course of investigation which would mean from the time of the lodging of the Fir Information report till the submission of the report by the officer in charge of police station in court under Section 173(2) Criminal Procedure Code, this field being exclusively reserved for the investigating agency.

21. This being the settled legal position, the High Court ought not to have interfered with and quashed the entire proceedings in exercise of power conferred by Section 482 Criminal Procedure Code when the matter was still at the investigation stage.”

As has been held by the Hon'ble Supreme Court above, the stage from the lodging of the FIR till the presentation of the final report is exclusively reserved for the investigating agency. In line with the said judgment, this Court also finds that any indulgence granted, at this stage,

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would amount to intruding the statutory investigational powers of the police authorities.

In view of the above, finding no merits in the present petition, same is hereby dismissed.

As the main case has been decided, all the pending application(s), if any, stands disposed of accordingly.

18.10.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No