

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

**CRM No. 16402 of 2022 in/and
CRM-M No. 28461 of 2021
Date of Decision: 09.05.2022**

Smt. Santosh Kumari and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. A.P.S. Deol, Sr. Advocate, assisted by
Mr. Himmat Singh Deol, Advocate
for the petitioners.

Mr. Sumit Gupta, Additional Advocate General, Haryana
for official respondent No. 1 / State.

Mr. Rahul Singla, Advocate for
Mr. Virender Soni, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. With the consent of the learned counsel for the parties, the date of hearing of the main case is preponed from 30.05.2022, and, is taken up today itself.

2. Since, the learned State Counsel has intimated, that after completion of investigation in FIR No. 0327 of 16.06.2021, registered at Police Station Sampla, District Rohtak, the Investigating Officer (IO) concerned, has filed an affirmative report before the learned Magistrate concerned. Therefore, the prayer made in the petition for transfer of investigation into FIR (supra) from the IO concerned, to an officer not below the rank of IPS, does not survive.

3. The learned counsel for the petitioners seeks leave to abandon the asked for relief in respect of the above. He is permitted to do so.

4. The learned counsel for the petitioners, yet presses, that the principal relief rather seeking the quashing of FIR (supra), is yet maintainable, before this Court. However, the learned State Counsel submits, that the *lis* is listed for framing of charge. Therefore, he argues, that rather than the principal relief (supra) be maintained, before this Court, the petitioners can argue, for their discharge, before the learned Magistrate concerned.

5. The learned counsel for the petitioners submits, that hence he would be withdrawing the claim for principal relief (supra) also, and, would be praying before the learned Magistrate concerned, for an order of discharge being made qua the accused in respect of FIR (supra).

6. The afore prayer is accepted.

7. Therefore, the present petition is disposed of. However, liberty is reserved to the petitioners to argue for their discharge, before the learned Magistrate concerned, and if the petitioners are still aggrieved, they can re-access the appropriate Court(s), in accordance with law.

8. In case any application seeking exemption(s) from respective personal appearance(s) is filed on behalf of the accused, thereupon, it shall be considered, in accordance with law, by the learned trial Judge concerned.

9. Since, the main case itself has been disposed of, therefore, no further order is required to be passed in the pending miscellaneous application(s), and, the same also, stand(s), disposed of.

May 09, 2022

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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>