

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

**CRM-M No.33590 of 2021
Date of Decision: 29.09.2022**

Mukesh Kumar

....Petitioner

Versus

State of Haryana & Another

.....Respondents

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

Argued by :- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvind Pal Singh, Advocate,
for the petitioner.

Ms. Ambika Sood, Additional Advocate General,
Haryana for respondent No.1-State.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner herein has invoked the jurisdiction of this Court under Section 482 Cr.P.C for seeking the quashing of the FIR bearing No.217 dated 22.06.2021 registered at Police Station Ladwa, District Kurukshetra, under Sections 10, 24 of the Immigration Act and Sections 120-B, 370, 406, 420, 506 IPC as well as the further proceedings initiated in respect thereof and he has also prayed for staying the coercive proceedings in connection with the subject FIR.

2. Reply has already been filed on behalf of respondent No.1-State, by way of the affidavit of the Deputy Superintendent of Police, Ladwa, District Kurukshetra.

3. On 15.09.2022, learned State counsel, on the instructions from SI Mahinder Singh from the afore-said Police Station, apprised the Court that the investigation had not been concluded in the said criminal case and was, rather, still continuing.

4. I have heard learned Senior counsel for the petitioner as well as learned State counsel on the point of the maintainability of the present petition during the pendency of the investigation proceedings qua the said FIR and have also perused the file carefully.

5. Learned Senior counsel for the petitioner has contended that the above-referred FIR has been got registered against the petitioner on the basis of false allegations and with an ulterior motive and therefore, it amounts to the abuse of the process of the Court and hence, the same deserves to be quashed. To buttress his contention, he has placed reliance upon **Ahmad Ali Quraishi and another vs. State of Uttar Pradesh and another (2020) 13 Supreme Court Cases 435; All Cargo Movers (India) Private Limited and others vs. Dhanesh Badarmal Jain and another (2007) 14 Supreme Court Cases 776** and **Murari lal Gupta vs. Gopi Singh (2005) 13 Supreme Court Cases 699**.

6. However, I do not find any merit in the afore-raised contention because as mentioned earlier, the investigation in the case arising out of the above-mentioned FIR, is still continuing and thus, the Challan is yet to be presented in the Court. It has been held by Hon'ble the Supreme Court in **State of Tamil Nadu vs. S. Martin etc. 2018(5) RCR (Criminal) 156** that *"the assessment made by the High Court at a stage when the investigation*

was yet to be completed, is completely incorrect and uncalled for and the High Court ought not to have interfered in the case and the order qua the quashing of the FIR was liable to be set aside and the State was free to conduct investigation and to take matter to its logical conclusion". These observations are fully applicable to the present case and in the light of the same, it is explicit that the instant petition is not maintainable at this stage when the investigation proceedings are yet to be concluded.

7. The observations made by the Apex Court in **Ahmad Ali Quraishi and another (supra); All Cargo Movers (India) Private Limited and others (supra)** and **Murari Lal Gupta (supra)**, are of no avail to the petitioner at this moment because in all these cases, the criminal complaints had been filed and the summoning orders had been passed therein by the competent Courts whereas in the present case, the FIR has been registered by the police and the investigation is being conducted in respect thereof.

8. As a sequel to the fore-going discussion, it follows that the petition in hand is not maintainable at this stage and therefore, the same stands dismissed accordingly.

29-09-2022

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No