

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

CRM-M-9876-2018

Date of Decision: 22nd August, 2022

Mahesh Yadav

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. P.S. Ahluwalia, Advocate and
Mr. Jagatveer Dhindsa, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. R.S. Malik, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking quashing of FIR No. 517, dated 18th September, 2016, under Sections 7 and 13 of the Prevention of Corruption Act, 1988 (for short 'the Act') and Section 506 of the Indian Penal Code, 1860, registered at Police Station Sonipat City, District Sonipat and all other subsequent proceedings.

2. Quashing is sought on the ground that the sanction to prosecute was withdrawn vide order dated 23rd January, 2018 (Annexure P-12).

3. The contention of the learned counsel for the petitioner is that after withdrawal of the sanction, challan was presented withholding the fact that the sanction has been withdrawn.

4. Learned State counsel on instructions from ASI Sanjay Kumar is not disputing the fact that as on date there is no sanction to prosecute.

5. Admittedly there is no sanction to prosecute. As per Section 19 of the Act, as in the absence of previous sanction, Court cannot take cognizance of offence. In view of the above, the petition is disposed of.

6. It is further clarified that the disposal of the petition shall not be an impediment for the State to proceed in accordance with law for getting fresh sanction.
7. It is clarified that petitioner would be at liberty to avail remedies in accordance with law in case need so arises.

(AVNEESH JHINGAN)
JUDGE

22nd August, 2022
Parveen Sharma

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