

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

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**CRM-M-32792-2022 (O&M)
Date of decision: 29.11.2022**

Raj Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rohit Kaushik, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for quashing of the FIR No. 418 dated 08.07.2021, registered under Section 409 IPC at Police Station City Palwal, District Palwal.

At the outset, Learned State counsel, on instruction from SI Hazir Khan, submits that the investigation is still going on.

I have heard the learned counsel for the parties.

Hon'ble Supreme Court of India in case titled as State of Karnataka and Another vs Pastor P. Raju cited at 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, 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.

(HARNARESH SINGH GILL)
JUDGE

29.11.2022
Mangal Singh

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