110.

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-51863-2021 (O&M)
Date of Decision: 07.02.2022

(Heard through VC)

TARIK ANWAR .... Petitioner

Versus

STATE OF HARYANA AND OTHERS .... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.D. Khan, Advocate, for
Mr. Abhishek Verma, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of FIR No.0288, dated 28.07.2021, registered under Section 506 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984, at Police Station Chandimandir, District Panchkula.

Counsel appearing on behalf of the petitioner would inter alia contend that Section 3 of the Prevention of Damage to Public Property Act, 1984 would not be applicable in the instant case as the Himalayan Expressway is a private Company.

Notice of motion.

At this stage, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana, who is present through the medium of video conferencing, accepts notice on behalf of the respondents. He would point out that filing of

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the present quashing petition is premature considering the fact that the petitioner has not joined investigation in terms of order dated 15.09.2021. It is submitted that despite an opportunity having been allowed by the Additional Sessions Judge, Panchkula to the petitioner to put in his appearance before the Investigating Officer, the petitioner has failed to join investigation.

I have heard learned counsel for the petitioner and do not find any ground to quash the FIR at this stage. The contention raised by the counsel for the petitioner for quashing of the FIR that Section 3 of the Prevention of Damage to Public Property Act, 1984 is not applicable, is considered and rejected at this stage considering the fact that the matter has yet to be investigated and considered. It cannot be ignored that apart from Section 3 of the Prevention of Damage to Public Property Act, 1984, Section 506 of IPC has also been invoked.

Consequently, as the matter has yet to be investigated, the present petition is disposed of as being premature leaving it open to the petitioner to avail the remedies at a later stage, should there be such cause to do so.

(JAISHREE THAKUR)
JUDGE

07.02.2022
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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