

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

**CRM-M-55765-2022 (O&M)**  
**Date of decision: 13.12.2022**

Shailender

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

\*\*\*\*

**HARNARESH SINGH GILL, J. (ORAL)**

Prayer in the petition is for quashing of the FIR No. 1042 dated 16.10.2018, registered under Sections 420, 406, 120-B IPC at Police Station Faridabad Central, District Faridabad, and all the subsequent proceedings arising therefrom, on the basis of compromise and affidavit of the complainant dated 14.11.2022 (Annexure P-2).

In reply to the specific query of this Court, learned counsel for the petitioner submits that the investigation is still going on.

I have heard the learned counsel for the petitioner and have gone through the documents on record.

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

13.12.2022  
Mangal Singh

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