

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

**CRM-M-2952-2021
Date of Decision: 14.03.2023**

RAVINDER KUMAR	... PETITIONER
V/S	
STATE OF PUNJAB	... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Chawla, Advocate for the petitioner.
Mr. M.S.Nagra, AAG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking to quash FIR No. 303 dated 29.07.2009 under Sections 420, 468, 471, 120B IPC, registered at Police Station Civil Lines, Amritsar.

Learned State counsel submits that charge has been framed and out of 8, 5 witnesses have already been examined and 3 witnesses have been given up.

As the charge has been framed, 5 witnesses have already been examined, the present petition cannot be termed to be maintainable in view of *Minakshi Bala Vs. Sudhir Kumar and others (1994)-4-SCC-142 (Supreme Court)*, wherein it has been laid down as following:

“If charges are framed in accordance with Section 240, Criminal Procedure Code, 1973 on a finding that a prima facie case has been made out - as has been done in the instant case - the person arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge sheet submitted under Section 173, Criminal Procedure Code, 1973 and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged

and the revisional Court if so satisfied can quash the charges framed against him. To put it differently, once charges are framed under Section 240, Criminal Procedure Code, 1973 the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in sections 239 and 240, Criminal Procedure Code, 1973 nor would it be justified in invoking its inherent jurisdiction under Section 482, Criminal Procedure Code, 1973 to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course. We hasten to add even in such exceptional cases the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.”

In these set of circumstances, the petition for quashing the FIR cannot be termed to be maintainable.

Dismissed.

14.03.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No