

CRM-M-3498-2023 (O&M)

Date of Decision: 23.01.2023

Vikram Singh Mehrook and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJPresent: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate, for the petitioners.**Rajesh Bhardwaj, J. (ORAL)**CRM-3197-2023

Allowed as prayed for.

Main case

Prayer in the present petition is for quashing of the FIR No.495 dated 28.10.2022, registered under Sections 420, 406, 506, 120-B IPC, at Police Station Sector-5, Panchkula and consequent proceedings arising therefrom.

Learned senior counsel has inter alia contended that regarding the same cause of action, the complainant has already lodged a complaint under Section 156(3) Cr.P.C. and the status report was also called at Derabassi only. He submits that thereafter clandestinely the complainant has filed the present FIR at Police Station Sector-5, Panchkula. He has submitted that once the proceedings for the same cause of action are pending before learned Magistrate, Derabassi, the complainant could not have lodged the present FIR at Panchkula as the same is without jurisdiction.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

Learned State counsel on instruction has submitted that the matter is under investigation.

Learned senior counsel prays for withdrawal of the present petition with liberty to the petitioners to pursue their remedy as available to them under law. However, as it has been specifically argued by learned senior counsel that the Panchkula Police lacks jurisdiction in the facts and circumstances of the case but the same is not being adhered to by the Investigating Agency at Panckula.

The present petition is disposed of with with liberty to the petitioners as prayed for and with a direction to the State to proceed with the investigation keeping in view the overall facts and circumstances of the case and arguments raised by the learned senior counsel specifically regarding the jurisdiction at Panchkula.

23.01.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No