

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

2023:PHHC:043952

122

CRM-M-12519-2023

Date of Decision : 24.03.2023

Gopal and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. M.S.Arya, Advocate
for the petitioners.

JAGMOHAN BANSAL, J. (Oral)

The petitioners through instant petition under Section 482 Cr.P.C. are seeking quashing of FIR No.223 dated 01.10.2022 registered at Police Station Hasanpur, District Palwal, under Sections 307, 302, 304-B, 354-D IPC.

Learned counsel for the petitioners *inter alia* contends that the deceased remained admitted in hospital for 10 days before her death. She made a statement before Executive Magistrate. After the death of deceased, the family members of the deceased implicated the petitioners whereas deceased in her statement had not implicated the petitioners. Despite these facts, the police has registered FIR against the petitioners and till date, investigation has not been concluded. The person named by deceased, who is the main offender, has not been arrested.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana, accepts notice on behalf of

respondent No. 1-State. She assures the Court that the Investigating Officer

before filing its report under Section 173 Cr.P.C. shall consider the factum of declaration made by deceased before Magistrate and proceed further.

In view of statement of learned State counsel, this Court is sanguine of the fact that the Investigating Officer as duty bound shall consider the statement of deceased which she had made before Executive Magistrate before concluding his investigation.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.03.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>