

CRM-M-2411-2016 (O&M)

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2023:PHHC:086004

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2411-2016 (O&M)

Date of decision: July 05, 2023

Madhu Jain and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Roopam Jain, Advocate
for the petitioners.

Mr. Dhruv Dayal, Addl.A.G., Punjab.

Mr. Anter Singh Brar, Advocate
for respondent No.2.

Mr. A.P.S. Bhinder, Advocate
for respondent No.3.

ARUN MONGA, J. (ORAL)

Quashing of FIR No.183 dated 29.11.2014 (Annexure P-1), under Sections 419, 420, 465, 468, 471, 120-B IPC, registered at Police Station City Kharar, District S.A.S. Nagar, Punjab *qua* the petitioners is sought herein.

2. At the outset, learned counsel for petitioners as well as learned counsels for respondent No.3 have submit that matter has been compromised between the parties and the present FIR be thus quashed accordingly.

4. *Per contra*, Ld. State counsel and learned counsel for respondent No.2 oppose the petition. Learned counsel for respondent No.2 further points out that there is no compromise between his client and the petitioners, as is being projected by learned counsel for petitioners. They argue that trial has already begun.

5. Heard.

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6. In course of hearing, on a Court query, it transpires that trial has not only begun but even most of the prosecution testimony has also been recorded inasmuch as 6 witnesses have already been examined and two PWs have been given up as unnecessary, out of a total 13 witnesses and only 5 witnesses are left.

7. Be that as it may, in the absence of any compromise between all the parties, I see no reason to quash the proceedings against petitioners in the FIR in question, at this stage, as has been prayed for without placing any cogent material on record. Disputed questions of facts are involved, which need to be adjudicated and established during trial. It would be against principles of law to arrive at a conclusion in the present proceedings without going into the merits of the case. Instant is thus not a fit case for exercise of jurisdiction under Section 482 Cr.P.C. for quashing the FIR in question.

8. Dismissed.

9. In the parting, I may hasten to add that all the contentions and defenses pleaded in the petition herein, and otherwise available to the respective parties, are kept open, to be considered by learned trial Court during the trial.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 05, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No