

2023:PHHC:119613

**249/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51839-2018 (O&M)

Date of Decision: 12.09.2023

BALDEV RAJ

... PETITIONER

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shiv Kumar Sharma, Advocate, for the petitioner.
Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the challan dated 09.09.2018 in the case bearing FIR No. 116 dated 18.08.2018 under Sections 354-A/506 IPC and Section 8 of the POCSO Act registered at Police Station Sadar Fazilka, District Fazilka.

2. It has been brought to the notice of this Court that after the submission of the challan, the charge has been framed in terms of the order dated 22.10.2018 passed by the learned trial Court. The order framing the charge has been assailed by way of Criminal Revision i.e. CRR-3785-2018 which is also stated to be pending in this Court.

3. In 1994 (3) R.C.R.(Criminal) 123 (SC), Minakshi Bala Vs. Sudhir Kumar, it has been observed that in the event charges have been framed and accused is aggrieved in any manner, he can invoke the revisional jurisdiction of this Court and it would not be appropriate to invoke the inherent jurisdiction under Section 482 Cr.P.C. In the instant case, the petitioner has availed the remedy of revision after framing of charge and the said petition is pending adjudication in this Court.

4. In these set of circumstances, the petition for quashing of the challan dated 09.09.2018 does not survive.

5. Dismissed.

12.09.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No