

2023:PHHC:145456

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6257-2018 (O&M)
Date of Decision:16.11.2023

INDERJIT KAUR

....PETITIONER

VS

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Nisha Rana, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
19	04.02.2018	City Raikot, District Ludhiana Rural	384/420/120-B of IPC and 7, 13(2) of PC Act, 1988

1. Seeking quashing of FIR petitioner had came up before this Court in the year 2018.
2. Counsel for the State submits that in the interregnum, the charges were framed and trial has proceeded and 08 witnesses has already been examined. Once judicial order has been passed, framing of the charges then the police report gets merged in the judicial order and incumbent or any accused had to explicitly challenge the judicial order vide which the charges were framed, which was not done in the present petition and present petition is not maintainable.

3. Counsel for the petitioner submits that no stay on the proceeding was granted as such trial Court proceed further. She further submits that in case this Court chooses to dismiss the petition, in that case, trial of the case be expedite.

4. Given the latest stage of trial, the present petition is not maintainable without being challenging framing of charges.

5. Given above, the present petition is dismissed with liberty reserve to petitioner to challenge the order of framing of charges. However, considering the fact that the petitioner had come before this Court seeking the quashing of FIR and delay in decision of the present petition cannot be put on the petitioner, as such, time for which this petition shall remain pending before this Court shall not be considered for the purpose of limitation. Given the request of counsel for the petitioner trial Court is directed to take up the trial on priority basis and try to conclude the same expeditiously.

Pending applications, if any, stand disposed of.

16.11.2023

pry

(ANOOP CHITKARA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No