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

CRM-M-32107-2023 (O&amp;M)

Date of decision: July 07, 2023

Veerpal Kaur

....Petitioner

versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Deepak Kaushal, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional AG Haryana.

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**ARUN MONGA, J. (ORAL)**

Petition herein is for quashing of FIR No.197 dated 29.05.2020, registered under Sections 188, 182, 195, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), Section 61 of the Punjab Excise Act, 1914 (for short 'Excise Act') and Sections 22(b), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station City Mandi Dabwali, District Sirsa along with all consequential proceedings.

2. Per prosecution version, upon secret information, a police party headed by ASI Ramni was raided the house of one Surinder Singh alias Chhinder. During search from the fodder room, 9 bottles of illicit liquor and 950 tablets of Tramadol were recovered. An FIR was registered in this regard.

3. Learned counsel for the petitioner argues that petitioner has been falsely implicated. Name of the petitioner does not even find mention in the FIR in question. Recovery was made from the house of her husband, Surinder Singh and petitioner is residing along with her son aged about 17 years in her parental house at Village Haripura in Rajasthan for the last about 3 years. It was during investigation that petitioner was named as an accused. Surinder Singh was found innocent by the police. Petitioner has not committed any alleged offence.

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4. On the other hand, learned State counsel opposes the petition and submits that petitioner has committed a serious offence.
5. I have heard learned counsel for the parties and perused the record.
6. Case before the trial Court is fixed for prosecution evidence and therefore, the trial is at a very preliminary stage. The accused will have the opportunity to present her defense before the trial Court, at the appropriate stage. It is crucial to maintain balance between protecting rights of the accused and upholding public interest in the proper administration of justice. After giving due consideration to the arguments and facts and circumstances of the case, I am of the opinion that it would not be in the interest of justice, to consider the present petition on merits for quashing FIR at a very threshold.
7. It is important to note that at this nascent stage, the court’s role is primarily to ascertain whether a *prima facie* case exists and to allow for a thorough investigation and subsequent trial. The court must ensure that trial proceeds unhindered.
8. Allowing a quashing petition is not warranted unless there are compelling reasons to intervene in the ongoing legal proceedings.
9. Moreover, at this early stage, it would be premature to make definitive conclusions regarding the veracity or credibility of the allegations made in the FIR. Therefore, it seems appropriate to allow the trial to proceed and also allow parties to present their evidence and arguments before drawing any final conclusions.
10. In light of these considerations, this court finds no grounds to interfere and to quash the FIR in question at this nascent stage of the trial.
11. Dismissed.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)  
JUDGE

July 07, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No