

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

**CRM-M No. 38503 of 2023
Date of Decision: 17.08.2023**

Mahesh Hooda and others

...Petitioners

Versus

State of Haryana and another

...Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Dr. Pankaj Nanhera, Advocate
for the petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioners have sought the quashing of the FIR bearing No.150 dated 21.04.2023 registered at Police Station Ballabhgarh Sadar, District Faridabad, under Sections 354-A, 427, 506, 509, 323 read with Section 34 IPC and Section 25 of the Arms Act, 1959, along-with all the consequential proceedings arising therefrom and they have also prayed for the issuance of the direction to respondent No.1 to constitute a Special Investigating Team (SIT) for conducting fair and impartial investigation in respect of the above-referred FIR.

2. Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, has put in appearance on behalf of respondent No.1 in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance and on the instructions from SI Ashok Kumar

from the afore-mentioned Police Station, he informs the Court that the investigation is still continuing and thus, the Challan has not yet been submitted in the Competent Court in connection with the criminal case under reference.

3. In view of the above-discussed submission as made by learned State counsel, learned counsel for the petitioners seeks permission to withdraw the instant petition at this stage, to the extent of the prayer of the petitioners for the quashing of the afore-said FIR, while submitting that if there need be, they (petitioners) would file a fresh petition for seeking the said relief, at the appropriate stage, i.e after the conclusion of the investigation proceedings and he further submits that so far as the prayer of the petitioners qua the issuance of the direction to respondent No.1 to constitute the Special Investigating Team is concerned, they (petitioners) would move the representation to the Commissioner of Police, Faridabad, for this purpose and he requests that the said Officer be directed to consider and decide their representation expeditiously.

5. Learned State counsel has no objection to the afore-discussed submission and the prayer, as made by learned counsel for the petitioners.

6. Resultantly, as regards the prayer of the petitioners qua the quashing of the subject FIR, the petition in hand stands partly dismissed for having been withdrawn, in terms of the above-mentioned submission as made by their (petitioners') learned counsel and so far as their prayer for the issuance of direction to constitute the Special Investigating Team (SIT) is concerned, this petition, without commenting or expressing any opinion

on the merits of the case, is hereby partly disposed of with a direction to the Commissioner of Police, Faridabad, through respondent No.1-State, that in case, the petitioners move any representation to him for the afore-said purpose, he shall consider and decide the same, in accordance with law in the given set of facts and circumstances of the matter, as expeditiously as possible.

August 17, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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