

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

117

CRM-M-42313-2023

Date of decision: 25.08.2023

Puran Chand Pyasa

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karan Choudhary, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of FIR No.0153 dated 28.06.2022 under Sections 420 and 406 of the Indian Penal Code, 1860 registered at Police Station City Gurdaspur, District Gurdaspur and all consequential proceedings arising out of the same.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, inter alia submits that a totally false and fabricated version has been brought forth therein by the complainant. Furthermore, the dispute, if any, between the parties, is purely of a civil nature which has been intentionally given a criminal complexion so as to harass the petitioner. Learned counsel has further vehemently submitted that since it is a case of civil nature, there was no need for the complainant to lodge any complaint and rather the FIR should not have been registered at all by the police. Learned counsel has further submitted that since the FIR was lodged in the month of June last year and the FIR was still under investigation, it deserved to be quashed

because on account of the registration of the FIR, he had been unable to travel abroad.

3. I have heard learned counsel and perused the relevant material on record.

4. Investigation in the FIR in question is at a nascent stage as even the challan has still not been presented by the police. It needs to be reiterated that when the police is still investigating a case, the Courts should allow the investigating agency to complete its investigation. Since FIR is not an encyclopedia which must contain all facts and details pertaining to the offences alleged, it becomes all the more incumbent upon this Court to exercise its inherent jurisdiction under Section 482 of the Cr.P.C. with a great deal of circumspection as otherwise it would amount to virtually pronouncing a verdict on the truthfulness of the allegations levelled. It goes without saying that in case, during investigation, the investigating agency does not find any substance in the allegations levelled in the FIR, the investigating agency would file an appropriate report before the Court concerned as per the procedure provided under law. The contention of the learned counsel that a civil suit is already pending between the parties would yet again not come to his rescue because there is no bar to civil and criminal proceedings being pursued simultaneously.

5. Accordingly, the instant petition is hereby dismissed.

25.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No