

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

**CRM-M No.50189 of 2023
Date of Decision: 09.10.2023**

Utsav Bhattacharjee

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

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

Present:- Mr. Mahir Sood, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr PC for seeking the quashing of the FIR bearing No.238 dated 14.09.2023, as registered at Police Station Udyog Vihar, Gurugram, under Sections 354-A & 509 IPC, along-with all the subsequent/consequential proceedings arising therefrom and he has also prayed for staying the further proceedings in respect of the said FIR.

2. Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, has appeared 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 L/ASI Rajesh from the afore-mentioned Police Station, he informs the Court that the investigation in the above-said criminal case is still continuing and thus, the Challan is yet to be presented in the Court.

3. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition, at the preliminary stage and have also gone through the file carefully.

4. Learned counsel for the petitioner contends that the allegations as levelled by respondent No.2-complainant against the petitioner in the subject FIR, do not suffice at all to constitute the offences under Sections 354-A & 509 IPC and thus, the complainant has got him (petitioner) falsely implicated in the criminal case under reference and in these circumstances, the afore-said FIR deserves to be quashed. To buttress his contentions, he has placed reliance upon the observations made by Hon'ble the Supreme Court in **M/s Neeharika Infrastructure Pvt. Ltd Vs. State of Maharashtra and others, 2021 AIR (Supreme Court) 1918** to the effect that “*save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences*”.

5. Per-contra, learned State counsel argues that the prayer of the petitioner for the quashing of the above-mentioned FIR is not maintainable, during the pendency of the investigation proceedings, which are still at the nascent stage as the said FIR has been registered on 14.09.2023 only.

6. I find merit in the arguments as raised by learned State counsel because concededly, the investigation in the afore-referred case has not yet been concluded and it has categorically been held by the Apex Court in **State of Tamil Nadu Versus S. Martin etc, Criminal Appeal No.423-24 of 2018 (Law Finder Doc ID #993604) decided on 28.03.2018** that “*while the*

investigation was still incomplete, the High Court ought not to have interfered in the present case and the investigation, in any case, ought not to have been set at naught but it ought to have been permitted to be taken to its logical end.” These observations are fully applicable to the present case and in the light of the same, it becomes quite explicit that the instant petition is pre-mature, at this stage.

7. The afore-quoted observations, as made by Hon’ble Supreme Court in **M/s Neeharika Infrastructure Pvt. Ltd. (supra)**, do not help the petitioner because he has not been able to *prima-facie* show that the present case falls within the category of ‘*exceptional cases*’, as envisaged therein and to add to it, even in Para No.23(x) in the judgment passed in the above-cited case, the Apex Court has, rather, held that “*the criminal proceedings ought not to be scuttled at the initial stage and the quashing of the complaint/FIR should be an exception, rather than ordinary rule and that the FIR is not encyclopaedia which must disclose all the facts and details relating to the offence reported and therefore, when the investigation by the police is in progress, the Court should not go into the merits of the allegations in the FIR and the police must be permitted to complete the investigation and it would be pre-mature to pronounce the conclusion, based on hazy facts, that the complaint/FIR does not deserve to be investigated or that it amounts to the abuse of process of law and the power conferred under Section 482 Cr.P.C, casts an onerous and more diligent duty on the Court and the High Court should restrain itself from passing the interim order of ‘not to arrest’ or ‘no coercive steps to be adopted’.*

7. As a sequel to the fore-going discussion, it follows that the petition in hand is not maintainable at this stage and therefore, it deserves dismissal. Resultantly, the same stands dismissed accordingly.

09.10.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*