

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 127

Criminal Miscellaneous No.M-54146 of 2022

Date of Decision: March 15, 2023

Krishna Grover & another

..... PETITIONER(S)

VERSUS

State of Haryana & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Rishav Sharma, Advocate, for the petitioners.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana.

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Tribhuvan Dahiya, J (Oral)

This is a petition for quashing FIR No.76 dated 09.02.2022 under Sections 323, 34, 506 IPC (Section 509 IPC added later on) registered with Police Station, Sector 10-A, Gurugram alongwith consequential proceedings.

The petitioner had earlier filed Criminal Miscellaneous No.M-32231 of 2022 for quashing the instant FIR. The petition was dismissed as withdrawn vide order dated 24.08.2022 (Annexure P-10). Subsequently, he filed second petition, i.e., Criminal Miscellaneous No.M-40312 of 2022 for quashing the FIR in question. On the second petition arguments were heard by the Court at length. Anticipating adverse result, the petitioner sought and was granted permission to withdraw the

same vide order dated 06.09.2022 (Annexure P-11). Now, third petition has been filed on the same cause of action for quashing the same FIR.

Learned counsel for the petitioner contends that earlier petitions were dismissed as withdrawn since challan in the case was not filed. However, perusal of the orders, Annexures P-10 and P-11, does not show that the petitions were withdrawn on that account or any permission was sought from the Court to file a fresh one after presentation of challan. Therefore, there is no ground to entertain the third petition to quashing the FIR.

Filing of the petitions repeatedly on the same cause of action is an abuse of the process of law. Therefore, the petition is dismissed with ₹ 5,000 as costs to be deposited in Punjab and Haryana Bar Association Lawyers' Family Welfare Fund, within two weeks from today.

(Tribhuvan Dahiya)
Judge

March 15, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No