

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62747-2023
Decided on: 19.12.2023

Shubham Dwivedi @ Subhash Dwivedi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing of FIR No.490 dated 11.08.2019 (Annexure P-1) under Sections 3, 4, 5, 6, 7, 8, 9 ITP Act registered at Police Station Palam Vihar, Gurugram and all the consequential proceedings arising out of the same.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner, even though he had no role to play in the crime in question; the petitioner had no association whatsoever with the Manager of the Spa, where the raid was carried out.

3. Learned counsel has further urged that despite the FIR in question being lodged way back in the year 2019, the trial had made no progress as even the chargesheet has not been presented. Thus, learned counsel argued that it clearly indicated that the investigating agency had not found any incriminating material against the petitioner and on this ground

itself, the FIR in question (Annexure P-1) was liable to be quashed.

4. Notice of motion.

5. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

6. Learned State counsel, while controverting the prayer and submissions made by the counsel opposite, on instructions, submits that the petitioner was an active participant in the alleged crime. It has been further submitted that not only had the chargesheet been presented and charges framed, but even the prosecution evidence was underway. Thus, when all the material was now before the trial Court, no ground was made out to quash the FIR in question.

7. Heard learned counsel for the parties and perused the material on record.

8. Though the petitioner has alleged that he is innocent and a false case has been planted upon him, since he was not associated with the Spa or the Manager of the Spa in any manner, these assertions of the petitioner cannot be delved into at this stage, when it is a matter of record, as apprised by the learned State counsel that the trial is at an advanced stage; all the contentions, which are being raised *qua* the innocence of the petitioner are a matter of trial. The petitioner would get ample opportunity to lead evidence *qua* his false implication in the case in hand.

9. As a sequel to the above, this Court does not deem it fit to exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the FIR

in question. Accordingly, the present petition stands dismissed.

10. However, it is made clear that anything observed hereinabove, shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

19.12.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No