

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

133

CRM-M-3441-2024

Date of decision: 22.01.2024

Karan Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Shailender Singh, Advocate for the petitioners.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking quashing of FIR No.0227 dated 14.11.2023 under Sections 406, 409, 420 of the IPC registered at Police Station Sadar, District Yamuna Nagar.

2. Learned counsel for the petitioners submits that purely a civil dispute is being given a criminal complexion and hence, on this ground alone, the FIR in question deserves to be quashed.

3. On a pointed query put to the learned counsel as to what was the stage of trial, he has submitted that it is still pending investigation.

4. Learned counsel in the alternative has made a prayer that appropriate directions be issued to the investigating agency not to take any coercive steps against the petitioners. In support, learned counsel has drawn the attention of this Court to order dated 08.01.2024 in CRM-M-63708-2023 titled as 'Rajesh Kumar and others Vs. State of Haryana and others' which has been passed by a Coordinate Bench of this Court to urge that in similar circumstances, the Coordinate Bench had ordered that no coercive steps shall be taken against the petitioner.

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

6. The Hon'ble Supreme Court in *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra : 2021 SCC Online SC 315* has held as under:-

*“...We caution the High Courts again against passing such orders of not to arrest of “no coercive steps to be taken” till the investigation is completed and the final report i filed, while not entertaining quashing petitions under Section 482 Cr.P.C. and/or Article 226 of the Constitution of India....”*

7. In the circumstances, no ground is made out to accept the prayer of the petitioners for quashing of the FIR in question since the matter is still pending investigation. It needs to be emphasized that investigation of a case cannot be thwarted at a nascent stage. Further, in view of the observations of the Hon'ble Apex Court in *M/s Neeharika's case (supra)* no such directions can be issued qua no coercive steps to be taken against the petitioners. It also needs to be reiterated that in case the petitioners apprehend their arrest in the FIR in question, they should avail of alternate remedies in accordance with the provisions of law.

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

22.01.2024

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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