



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

CRM-M-15538-2023

Date of Decision : 21.11.2024

ARWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.P.S.Duggall, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Gaurav Bhayya Gilhotra, Advocate and
Mr. Vishavjeet Singh, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant second petition filed under Section 482 of the Cr.P.C., prayer is made for quashing of case FIR No.214, dated 07.08.2018, under Sections 406 and 420 of the IPC, registered at Police Station Derabassi, District SAS Nagar, and all other consequential proceedings arising therefrom, including the order dated 03.12.2019, of framing of charges (Annexure P-5).

2. Earlier the present petitioner approached this Court by filing a petition bearing no.CRM-M-25894-2019, wherethrough, he had sought a similar relief of quashing of FIR (*supra*), and that petition was disposed of vide order dated 08.02.2023 (Annexure P-8), with a liberty to the petitioner to file a fresh petition challenging the framing of charges. Even it was specifically observed by the co-ordinate bench that the time for

which the present petition is pending before this Court, shall not be counted for the purpose of limitation, as such, the limitation period will start from 08.02.2023.

3. Thereupon, the petitioner again filed an application bearing no. CRM-10162-2023, for seeking clarification of order (*supra*). The co-ordinate bench while drawing an order dated 03.03.2023 (Annexure P-9), passed the following order:

“Counsel for the applicant-petitioner seeks recalling of the order on the grounds that the trial was not at the fag end but infact it has yet to start.

Be that as it may, it remains undisputed that the charges have been framed and once a judicial order after application of mind has been passed in quashing of FIR, the said judicial order cannot be quashed because it was never challenged.

Given above, the present application is disposed of with clarification that in case the applicant wants to challenge the charges, he may do so and limitation for that purpose shall start from today. It is further clarified that the filing and disposal of the application shall not come in the way in case the applicant challenges the charges. It is further clarified that there shall be no need to challenge the FIR separately because once charges are quashed, FIR goes automatically.”

4. Despite granting a specific liberty to the present petitioner to throw challenge to the order of framing of charges (*supra*), by taking apt remedy as available under the law, the petitioner has filed the instant second petition seeking the same relief, which was already declined by the co-ordinate bench vide order dated 08.02.2023 (Annexure P-8). Therefore, this Court does not find merit in the instant petition to the quash the FIR (*supra*), on the grounds mentioned therein. Hence, the instant petition is, hereby, **dismissed**.

5. However, it is open for the petitioner to take alternate statutory remedy against the order of framing of charges, in view of the

order dated 08.02.2023 and 03.03.2023 (Annexures P-8 and P-9 respectively), as passed by the co-ordinate bench of this court.

6. Any observation made hereinabove, by this Court, is only for the purpose of disposal of the instant petition.

7. All pending application(s), if any, also stand **disposed** of accordingly.

November 21, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No