

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16749-2024 (O&M)

Date of Decision: 18.04.2024

Madhu & Ors.

... Petitioners

VS.

State of UT Chandigarh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Mahavir Sharma, Advocate for the petitioners

Mr. Rajeev Anand, Addl. PP, UT Chandigarh

Sandeep Moudgil, J.

(1). This petition under Sections 482 CrPC has been filed by the petitioners seeking quashing of the FIR No.270 dated 16.06.2018 under Sections 323/341/380/353/186/34 IPC registered at Police Station Manimajra, UT Chandigarh (Annexure P6) and all consequential proceedings arising therefrom.

(2). Learned counsel for the petitioners contend that respondents No.4 to 7 are close family relatives as complainant-Indira Devi is jethani of Madhu – petitioner No.1 and since the complainant's husband had expired due to excessive drinking, the complainant and children, despite there being share in a separate property, requested the petitioners to give refuge to them for the time being but their malicious intention drove them to illegally and forcibly occupy the house of the petitioners and by exercising undue influence and gratification to the police, the respondents No.4 to 7 managed to get FIR registered against the petitioners.

(3). Mr. Rajeev Anand, learned APP, UT Chandigarh submits that the petitioners had indulged in assault to respondents No.4 to 7 and they even gave

beatings to two lady police officials and as such, the continuation of the trial against the petitioner is necessitated at this stage. On query, Mr. Anand submitted that they have documentary evidence to prove that the petitioners inflicted injury to the lady police officials.

(4). At this stage, learned counsel for the petitioner submits that the complainant and her family members had illegally occupied their house of which they have all revenue proofs and soon after lodging the FIR, the respondents No.4 to 7 vacated the house of the petitioners and went to their own house and at present there is no civil/rent petition pending between the parties which shows that the FIR has been lodged just to harass and humiliate the petitioners to settle their family dispute.

(5). Be that as it may, since learned counsel for the UT Chandigarh has come up with a stand that there are attributions against the petitioners of having inflicted injuries to the police officials, this Court does not find it ripe stage for quashment of the FIR. Suffice it is to observe that keeping in view the fact that the FIR was lodged in 2018 since than 6 years have already passed and the parties are still lingering on before the trial court, it would be appreciated if the trial court expedites the trial proceedings and decide the matter within 2 months from the date of receipt of certified copy of this order.

(6). With these observations, the petition stands dismissed.

18.04.2024

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No