

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRM-M-20475-2022 (O&M)
Date of Decision : January 11, 2024

JAI PARKASH SHARMA -PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. M.S. Bajwa, D.A.G., Punjab.

Mr. Mandeep Singh Sachdeva, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for quashing of FIR No.112 dated 07.05.2021, under Sections 384 and 511 of the IPC, registered at P.S. Division No.8, Jalanadhar.
2. The learned counsel for the petitioner craves for the relief (supra) on the ground that despite the allegations, as levelled in the FIR (supra), not disclosing the commission of any offence punishable under Section 384 and 511 of the IPC, yet the investigating agency proceeded to file the Final Report before the learned Magistrate concerned. He further submits that the FIR (supra) is a sheer abuse of the process of law, as a purely commercial dispute, upon its deliberately being disguised as a criminal offence, has constituted the bedrock for its registration.
3. A perusal of the status report, as furnished on affidavit of Daman Bir Singh, PPS, Assistant Commissioner of Police (North), Jalandhar, reveals that the Final Report has already been presented against

the petitioner on 27.04.2023 and now the matter is pending consideration before the learned trial Court, for framing of charges.

4. Considering the stage of trial, i.e. framing of charges, this Court refrains from entertaining the present petition. However, as prayed for by the learned counsel for the petitioner, liberty is granted to the petitioner to raise all such pleas and claims, as raised herein before this Court, before the learned trial Court, at the time of framing of charges, which shall be considered by the trial Court.

5. Finally, the learned counsel for the petitioner seeks exemption from personal appearance of the petitioner on each and every date of hearing before the trial Court, on the ground, that the petitioner is a senior citizen, aged about 77 years and is suffering from various old age ailments. Therefore, he prays that personal appearance of the petitioner may be exempted before the learned trial Court and he may be permitted to appear through his counsel.

6. Since the above made prayer is not opposed by the opposite counsels, therefore, personal appearance of the petitioner, during pendency of trial, is exempted before the learned trial Court and he is permitted to appear through his counsel. However, in case appearance of the petitioner is deemed necessary by the learned trial Court, he shall cause his personal appearance, as and when called to do so, by the trial Court.

7. The instant petition is disposed of accordingly.

8. Pending application(s) also stand disposed of accordingly.

January 11, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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