

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-20390-2024

Date of decision: 26.04.2024

Arti Mishra and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sudesh Kumar, Advocate
for the petitioner (through VC).

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking quashing of FIR No.0356 dated 23.11.2023 under Sections 406, 420 and 34 of the IPC registered at Police Station Rajendra Park, District Gurugram.

2. Learned counsel for the petitioners inter alia contends that a perusal of the FIR in question prima facie discloses that the dispute, if any, between the parties is primarily of a civil nature and the ingredients of the offences alleged are not even made out against the petitioners. It has been further submitted that even otherwise a perusal of the FIR in question reveals that there is no categorical allegation against the petitioners; prior to the registration of the FIR in question, the police had contacted petitioner No.2 and asked certain information from him with respect to some conversation with respondent No.2 qua the purchase of a flat etc. Besides this, the police had also enquired regarding the execution of a General Power of Attorney by petitioner No.1 in favour of co-accused Manoj Mishra. Pursuant to the queries put

by the police, petitioner No.2 had categorically told the police that there had been no dealings much less any conversation with respondent No.2 with respect to the purchase of the flat and even the General Power of Attorney and Will deed executed in favour of Manoj Saini for the flat had been subsequently cancelled. However, despite this the petitioners had been falsely implicated in the case in hand with an ulterior motive to harass them.

3. On a pointed query put to the learned counsel as to what was the stage of trial, it has been submitted that the investigation in the case in hand is still underway; challan is yet to be presented.

4. I have heard learned counsel and perused the relevant material on record including the FIR.

5. Since the investigation is still pending, this Court would not be inclined to accept the prayer of the petitioner for quashing of the FIR in question. It needs to be reiterated that investigation of a criminal case cannot be nipped at a nascent stage i.e. at the stage of investigation itself.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

26.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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