



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22650-2024
Date of decision:14.11.2024

Bijender Singh LatherPetitioner.

Versus

State of Haryana and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Samir Rathaur, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.
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SANJIV BERRY, J. (ORAL)

Instant petition has been preferred under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) seeking quashing of the FIR as mentioned below and all proceedings arising therefrom: -

FIR No.	Dated	Sections	Police Station
343	30.10.2023	447, 506 IPC	Bahadurgarh, District Jhajjar, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner happened to be the owner in possession of the property and had already moved a representation/complaint dated 17.08.2023 (Annexure P-4) followed by another representation/complaint dated 28.10.2023 (Annexure P-7). He contends that the police had registered the instant FIR despite the representation/



CRM-M-22650-2024

complaint dated 17.08.2023 (Annexure P-4) having already moved by the petitioner much before the registration of the FIR. He has further contended that a civil suit dated 06.12.2023 (Annexure P-8) is already pending in the Court of learned Additional Civil Judge, Senior Division, Bahadurgarh, regarding the same property.

3. During the course of submissions, learned counsel for the petitioner has further contended that the police has presented the challan before the learned Trial Court where it is pending for consideration of charge on 03.02.2025 and he may be allowed to take up all the pleas, as are taken in the instant petition, before the learned Trial Court at the time of consideration of charge and with this liberty he seeks permission to withdraw the instant petition at this stage.

4. In view of the aforesaid submissions made by learned counsel for the petitioner, instant petition is dismissed as withdrawn at this stage with liberty to the petitioner to take up all his pleas and refer all the documents, as are mentioned in the present petition, before the learned Trial Court at the time of consideration of the charge by moving a specific application and, if it is done, it is directed that the learned Trial Court shall consider the same in accordance with the law and pass a detailed speaking order.

(SANJIV BERRY)
JUDGE

14.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |