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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23391-2024 (O&M)
Date of decision: 10.05.2024

Samunder Singh and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Amarjit Kaur, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.64 dated 02.03.2024 under Sections 323, 34, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 354-A of IPC (added later on), registered at Police Station Kundkati, District Palwal and all the subsequent proceedings emanating thereupon.
2. Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 and husband of respondent No.2 are real brothers and a property dispute between them is going on and in this regard, husband of respondent No.2 filed a civil suit before learned Civil Judge (Jr. Divn.),



Hodal along with an application seeking stay, but the said application was dismissed vide order dated 06.02.2023 (Annexure P-2). Thereafter, husband of respondent No.2 filed an appeal and the same was also dismissed. It is further contended that the petitioners moved representations dated 23.02.2024 and 22.03.2024 against respondent No.2 and her husband, but till date, no action has been taken thereon. Learned counsel for the petitioners submits that the petitioners would be satisfied in case all the documents, which are annexed with the present petition, are considered by the Investigating Officer before submitting the final report under Section 173 Cr.P.C.

3. Notice of motion.

4. On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and submits that he has no objection, in case the Investigating Officer is directed to consider all the documents, which are annexed with the present petition, before preparing the final report under Section 173 Cr.P.C.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.

6. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the documents, which are annexed with the present petition,



before preparing the final report under Section 173 of Cr.P.C.

7. It is clarified that in case, final report under Section 173 of Cr.P.C. is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 173 Cr.P.C.

[HARPREET SINGH BRAR]
JUDGE

10.05.2024
vishnu

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