

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

120

CRM-M-49068-2018

Date of Decision : May 14, 2024

SANTOSH KUMARI & OTHERS

-PETITIONERS

V/S

STATE OF PUNJAB & ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioners have sought quashing of the FIR No.90 dated 20.10.2016, under Sections 452/406/427/506/323/120-B of the IPC, registered at P.S. Division No.8, District Ludhiana, along with all consequential proceedings arising therefrom.
2. A Co-ordinate Bench of this Court had, on 29.03.2022, directed the learned trial Court to submit a report about the stage of the trial. In compliance of these directions, a Report dated 21.04.2022 was received from the learned trial Court, thereby making disclosure that, the petitioners/accused have moved an application seeking their discharge from the present case and the said application is pending consideration.
3. The learned counsel for the petitioners has submitted that, the fulcrum of the entire dispute revolves around a sale deed *qua* which there has been a judicial finding that the same is non existent.

4. However, since the petitioners have already moved a discharge application before the learned trial Court, therefore, at this stage, this Court refrains from exercising its powers envisaged under Section 482 of the Cr.P.C., but, liberty is reserved to the petitioners to raise all such pleas and claims, as raised herein, thus before the learned trial Court. Moreover, the learned trial Court shall also examine all such pleas and claims and thereupon pass a lawful order thereon. Moreover, liberty is also reserved to the petitioners to, in case their grievance yet survives, take the appropriate legal recourse for redressal thereof.

5. Disposed of accordingly.

May 14, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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