

245 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.7459 of 2018 (O&M)
Date of Decision: 23.01.2024

Dharmender Petitioner
V/s.
State of Haryana and OthersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Y.S. Rathore, Advocate with
Ms. Sudha Singh, Advocate and
Mr. Yuvraj Singh, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

Mr. R.S. Malik, Advocate for the complainant.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
11	14.01.2014	Murthal, District Sonipat	409, 420, 120-B, 34, 201, IPC and 13(1)(d) of the Prevention of Corruption Act.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of above mentioned FIR, final report and all consequent proceedings arising therefrom.
2. Counsel for the complainant opposes the present petition on the grounds that a judicial order framing the charges has already been passed, as such, the police report filed under Section 173 Cr.P.C merges with the same. He further submits that once the charges have been framed, those have to be explicitly challenged.
3. A perusal of the prayer clause reveals that the petitioner has only challenged the FIR and final report along with consequential proceedings, there is no explicit challenge to charge sheet. Therefore, the present petition is not maintainable.
4. At this stage, counsel for the petitioner wants to withdraw the present petition with liberty to file afresh challenging the charges with a further liberty that the time for which the present petition was pending before this Court, shall not be counted for the purpose of limitation.
5. The prayer is genuine and the same is allowed.
6. Given above, the present petition is disposed of having been withdrawn with clarification that since the charges have been framed during the pendency of the present petition, as such, the limitation to challenge the charges will start from tomorrow. All pending miscellaneous applications, if any, stand disposed of.

23rd January, 2024

(ANOOP CHITKARA)
JUDGE