



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-38185-2021 (O&M)
Date of decision: 16.12.2024

Shubhabta and another

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: None for the petitioners.

Mr. Aditya Pal Singla, A.A.G., Haryana.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under 482 Cr.P.C. is for quashing of FIR No. 266 dated 21.08.2021 (Annexure P-4) under Sections 354-A, 323, 509, 506, 34 IPC registered at Police Station Dharuheda, District Rewari.

There is no representation on behalf of the petitioners. Even on the last date of hearing i.e. 17.07.2024, matter was adjourned at request of learned counsel for the petitioners.

At the very outset, it is pointed out by learned counsel for the State, on instructions from ASI Satender, that the trial in the present case is at an advanced stage as challan was filed on 30.12.2021; charges were framed on 28.01.2022; out of total 11 prosecution witnesses, 8 witnesses already stand examined; and the next date of hearing before the learned trial Court is 21.12.2024.



Learned counsel for the State submits that in similar circumstances where trial was at its fag end, a Co-ordinate Bench of this Court declined to quash the FIR in “*Sikandar Masih @ Shera & Ors. Vs. State of Punjab & Ors.*” decided on 09.02.2023 Law Finder Doc ID 2213918, holding that “...Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not”.

Heard.

In view of the above, present petition stands disposed of.

Pending application, if any, stands disposed of.

16.12.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No