



CRM-M-39280-2021 (O&M)

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237 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-39280-2021 (O&M)

Date of Decision: 05.08.2024

BALJINDER SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Gors, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

Mr. Anupam Bhardwaj, Advocate
for respondent No. 4.

HARPREET SINGH BRAR J. (Oral)

Instant petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 297 dated 17.12.2018 (Annexure P-1) registered under Sections 406, 498-A of Indian Penal Code at Police Station Jandiala Guru, District Amritsar and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that petitioners are ready to face the trial, however, respondent No. 4 is delaying the trial. Learned counsel further submits that after registration of the FIR(supra), petitioner No.1 as well as respondent No. 4 have been cohabiting together as husband and wife and two children were also born after registration of the FIR(supra) and respondent No. 4 has taken maternity leave for 06 months as discernible from Annexure P-5.



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Per contra learned counsel appearing for respondent No. 4 submits that petitioner No. 1 is playing hide and seek with respondent No. 4 and he has abandoned her and all three children are being raised by respondent No. 4 only and petitioners are taking undue advantage of pendency of the present petition as learned trial Court is not progressing with the trial on account of pendency of present petition.

Having heard learned counsel for the parties and after perusing the record of the case it transpires that there are so many disputed questions of facts involved in the case which cannot be adjudicated upon by this Court at this stage. It is settled law that disputed questions of fact can only be adjudicated after the parties have duly adduced their evidence. The High Court, in exercise of its inherent powers under Section 482 Cr.P.C is obliged to make a just and equitable choice and cannot go beyond its ambit to evaluate the truthfulness of the allegations or the veracity of the defence, however, convincing it might seem. Any such attempt would be impermissible in law as it would amount to giving finality to the accusations even before the prosecution is allowed to adduce evidence to substantiate the same. Hence, in view of the aforesaid discussion as well as the ratio of law laid down by the Hon'ble Supreme Court in *HMT Watches Limited vs M.A. Abida (2015) 11 SCC 776*; *Rathish Babu Unnikrishnan Vs. State (Govt. of NCT) 2022 SCC Online SC 513*, present petition is dismissed, being bereft of any merit.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

In view of the fact that trial of the case is pending for the last 06 years, trial Court is requested to conclude the trial expeditiously, preferably within a period of 06 months form the date of receipt of certified copy of this order.

05.08.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No