



CRM-M-33786-2024

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

CRM-M-33786-2024
Decided on: 17.07.2024

Kavish Arora

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushant Kohli, Advocate
for the petitioner.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 482 Cr.PC r/w Section 483 Cr.PC for issuance of directions to the Court concerned to consider the application filed under Section 156(3) read with Section 190 and 173(8) Cr.PC for fair investigation in case FIR No.106 dated 12.07.2023 for the offence under Section 307 IPC r/w Section 25 & 27 of Arms Act registered at Police Station Division No.2 District City Ludhiana.

2. Learned counsel for the petitioner contends that the trial Court erroneously dismissed his application under Section 156(3) read with Section 190 and 173(8) Cr.PC vide which he had sought free and fair investigation and the cancellation of the FIR (Annexure P-1) lodged against him. Learned counsel has argued that he has been falsely implicated in the aforementioned FIR for allegedly causing gunshot injuries to the brother of the complainant. It has been further asserted that his prayer for fair investigation and cancellation of the FIR was justified but overlooked by the Court below. Additionally, learned counsel



has submitted that local police have been harassing him and pressurising his family members, a fact, which should have been taken note of by the Court below also.

3. Learned counsel has still further argued that the Court below failed to acknowledged that the necessary ingredients to attract the mischief of an offence under Section 307 IPC i.e. intention and knowledge were clearly absent in the case, which has been falsely registered against him. Learned counsel has also pointed out that for the prosecution under the Arms Act, sanction of the District Magistrate is *sine qua non*, which has not been obtained in the present case.

4. Heard learned counsel for the petitioner and perused the relevant material available on record.

5. A perusal of the impugned order dated 04.05.2024 (Annexure P-4) reveals that the petitioner not only failed to participate in the investigation but also absconded during legal proceedings, leading to his being declared a proclaimed offender. Additionally, the assertion of the learned counsel that no offence under the Arms Act could be proved against the petitioner without the sanction of the District Magistrate is premature, as only challan has been presented till date, and the case is still at the stage of consideration of charges.

6. This Court concurs with the observations made by the learned trial Court that the application filed under Section 156(3) read with Section 190 and 173(8) Cr.PC by the petitioner is merely to evade proceedings, which stand initiated against him under Section 82 Cr.PC.

7. As a sequel to the above, this Court does not find any



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perversity much less illegality in the impugned order passed by the Court below. Accordingly, the present petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No