

CRM-M-37470-2024
Date of decision: 07.08.2024

....Petitioner.

Versus

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Instant petition has been preferred under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) seeking quashing of the FIR (Annexure P-1), and all other subsequent proceedings arising therefrom. Details of the FIR are as under: -

FIR No.	Dated	Section	Police Station
0095	05.12.2015	22 of the NDPS Act	City Budhlada, District Mansa

2. It is, *inter alia*, contended by learned counsel for the petitioner that after the registration of the FIR (*supra*), investigation was conducted by the police and the cancellation report under Section 173 Cr.PC dated 28.03.2016 (Annexure P-2) was presented which, however, was declined by the learned Additional Sessions Judge,



Mansa, vide order dated 21.10.2019 (Annexure P-6). Thereafter, the police had presented the challan which is now fixed for 09.08.2024 for consideration of the charge before the learned Trial Court.

3. At this stage, learned counsel for the petitioner has sought withdrawal of the instant petition with liberty to take up all his pleas as are taken in the present petition before the learned Trial Court at the time of framing of the charge and if need be to file the petition afresh with better particulars.

4. In view of his statement, instant petition is dismissed as withdrawn at this stage with the aforesaid liberty.

5. However, it is observed that in case the petitioner raises the pleas as are taken in the present petition before the learned Trial Court at the time of framing of charge, it is expected from the learned Trial Court to pass the speaking order therein in accordance with law.

07.08.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |