



118

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

CRM-M-52465-2024

Date of decision: 22.10.2024

Dilbagh Singh Sran

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.11 dated 15.06.2019 under Sections 406/498-A of IPC registered at Police Station NRI, District Police Commissionerate Jalandhar (Annexure P-1) along with all other consequential proceedings arising therefrom.

Learned counsel for the petitioner *inter alia* contends that earlier respondent No.2 filed a complaint against the petitioner and his family members and vide order dated 23.08.2018 (Annexure P-8), the learned Judicial Magistrate 1st Class, Jalandhar, has summoned the petitioner. On the same set of allegations, respondent No.2 has got the FIR registered and it amounts to double jeopardy. He relies upon the ratio of law laid down by the Hon'ble Supreme Court in 'TT Antony Vs. State of Kerala' 2001 (6) SCC 181. He further submits that he would be satisfied in case the aforesaid facts and the pleas taken in the present petition are taken into consideration by the Investigating Officer while preparing the final report under Section 173 Cr.P.C.

The learned State counsel at the very outset submits that the present petition is immature. The petitioner being husband is not cooperating with the investigation, as such, the investigation could not be concluded in spite of registration of the FIR (*supra*) in the year 2019. The look out notice has been issued against the petitioner as he is residing in Canada. He further submits that he has no objection in case, the Investigating Officer is directed to consider all the documents which are annexed with the present petition before preparing a final report under Section173 Cr.P.C.

The matter is taken up for final disposal with the consent of the parties. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the documents which are annexed with the present petition before preparing a final report under Section 173 of Cr.P.C.

It is clarified that in case a final report under Section 173 of Cr.P.C. is against the petitioners, the petitioners would be at liberty to file a fresh petition to challenge the FIR as well as the final report under Section 173 Cr.P.C.

(HARPREET SINGH BRAR)

JUDGE

22.10.2024

Neha

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No