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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47549-2024 (O&M)
Date of decision: 23.09.2024

Pardeep Sakarwal @ Pardeep Kumar and another
... Petitioners

Vs.

State of Punjab and another
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shehbaz Thind, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR No.128 dated 30.06.2024 under Sections 498-A & 406 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City 1, Abohar, District Fazilka and all the subsequent proceedings emanating thereupon.
2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are senior citizens and they are father-in-law and mother-in-law of respondent No.2-complainant, respectively. The petitioners have been



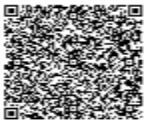
falsely implicated in FIR (supra) and they never raised demand of dowry. Petitioner No.1 is suffering from debilitating nerve issue, which has rendered his left arm non-functional and petitioner No.2 is suffering from a serious heart disease and it is highly improbable for her to be involved in any activity of harassment and physical abuse. Learned counsel for the petitioners submits that the petitioners would be satisfied, in case all the documents, which are annexed with the present petition, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS [*earlier Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*].

3. Notice of motion.

4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State and 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 the final report under Section 193 of BNSS (earlier Section 173 Cr.P.C.).

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.

6. Keeping in view the aforesaid facts and circumstances, 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 the final report under Section 193 of BNSS.

7. It is clarified that in case, final report under Section 193 of BNSS (earlier Section 173 Cr.P.C.) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS/Section 173 Cr.P.C.

[HARPREET SINGH BRAR]
JUDGE

23.09.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No