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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50098-2024 (O&M)
Date of decision: 14.10.2024

Vishal Gupta and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Gupta, Advocate for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') [*earlier Section 482 of the Code of Criminal Procedure, 1973*] for quashing of FIR No.116 dated 24.08.2024 under Sections 323, 34, 354-A, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Women West, Gurugram (Annexure P-1) and all the subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioners wishes to withdraw the present petition and seeks liberty to file a fresh petition in case the final report under Section 193 of BNSS is presented against the petitioners.

3. Learned counsel for the petitioners has pointed out that respondent No.5 is brother-in-law of the complainant-respondent No.4, who is currently posted at Gurugram and is attached to the office of Commissioner of Police, Gurugram, as such, the petitioners apprehend that the jurisdictional police authorities would not conduct fair investigation, as FIR (*supra*) was registered on the day, when the petitioners were summoned after issuing the notice under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023.

4. Dismissed as withdrawn with liberty aforesaid.

5. Respondent No.2-Commissioner of Police, Gurugram is directed to hand over the investigation of FIR (*supra*) to a senior police officer not below the rank of Superintendent of Police, who would examine the veracity of the allegations and also take into consideration all the pleas taken in the present petition as well as all the annexures attached with the present petition.

14.10.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No