



HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-53671-2024 (O&M)

Date of decision: 11.11.2024

Rahul Verma

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Arun Kumar Gupta, Advocate for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Mr. Sumeet Puri, Advocate for respondents No.2 and 3.

NIDHI GUPTA, J. (Oral)

Prayer in the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.157 dated 18.09.2017 under Sections 498-A, 406, 323 IPC registered at Police Station Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of Compromise/Statement dated 02.09.2024 (Annexure P-2).

It is pointed out by learned counsel for the State, on instructions from ASI Jasbir Singh, that the trial in the present case is at an advanced stage as challan was filed on 26.03.2019; charges were framed on 28.05.2019, wherein out of 17 prosecution witnesses, 5 witnesses already stand examined.

Learned counsel for the State submits that in similar circumstances where trial was at its fag end, a Co-ordinate Bench of this Court declined to quash the FIR in *“Sikandar Masih @ Shera & Ors. Vs. State of Punjab & Ors.”* decided on 09.02.2023 Law Finder Doc ID



2213918, holding that “...Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not”.

Needless to say that the Compromise/Statement dated 02.09.2024 (Annexure P-2) has been entered into between the parties, which shall be kept in mind by the learned trial Court while adjudicating upon the present FIR.

In view of the above, present petition stands disposed of.

Pending application, if any, stands disposed of.

11.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No