

CRM-M-25515-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25515-2024

Date of Decision: 22.05.2025

Brij Mohan and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shivam Grover, Advocate
for the petitioners.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
139	22.10.2019	Sri Chamkaur Sahib, District Rupnagar	406, 420, 120-B IPC (Sections 465, 467, 468, 471 IPC added later on)

1. Seeking quashing of the FIR captioned above, the petitioners have come up before this Court under Section 482 CrPC.
2. Petitioners seek quashing of FIR on the ground that the co-accused have been acquitted of the offence because all the witnesses turned hostile. State counsel submits that it is a case of no evidence and certainly prosecution will not be launched, if not already launched and he has liberty to raise all these points at the time of framing of charges and they will not object to the same.
3. Needless to say that framing of charge is not an empty formality and the concerned trial Court has to draw prima facie satisfaction of existence of legally admissible evidence.
4. At this stage, counsel for the petitioners wishes to withdraw with liberty that pleadings made in the petition should not be read in evidence with liberty to file an application for discharge before the trial Court if the stage arises. If such an application is filed, then the said application shall also be decided not later than passing of the order on charges.



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5. Disposed of as withdrawn with liberty to file an application for discharge, if charges not framed so far. If such application is filed, trial Court is requested to answer each and every point so raised in the said application and shall also consider all admissible evidence. The order so passed must be reasoned one. All pending applications, if any also stands disposed of.

(ANOOP CHITKARA)
JUDGE

22.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.