
(2014) 05 P&H CK 0530
In the Punjab And Haryana At Chandigarh
Case No : Crl. Misc. M-18376 of 2014

Irfan

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 482
Penal Code, 1860 (IPC) — Section 346

Citation : (2014) 05 P&H CK 0530

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : Mohit Garg, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rekha Mittal, J.—The petitioner through the instant petition filed u/s 482 of the Code of Criminal Procedure, prays for quashing of FIR No. 09 dated 9.1.2014 for offence u/s 346 of the Indian Penal Code, registered at Police Station, Mehan, District Rohtak.

2. Counsel for the petitioner is fair enough to concede that the matter is still pending before the Investigating agency.

3. The Division Bench of this Court in Crl. Appeal No. 28 DBA of 1991 (State of Punjab vs. Pritam Chand and others), decided on 25.1.2013, after a detailed consideration of the various judgments rendered by this Court and Hon"ble the Supreme Court has culled out certain principles, which have been summarized in para 42. Sub para (ii) of para 42 lays down as under:-

(ii) A complaint on the basis of which FIR has been registered or a criminal complaint u/s 200 Cr.P.C. cannot be quashed at the threshold by the High Court in exercise of its inherent or constitutional jurisdiction nor are the complainant or the investigating agency, as the case may be, expected to produce the relevant material at the initial stage for consideration of a court of competent jurisdiction

for the formation of its opinion whether or not a prima facie case as per the ingredients described in different provisions of Indian Penal Code or any other Penal Law, is made out.

4. In the light of the aforestated judgment passed by this Court, the present petition is liable to be dismissed being pre-mature and is ordered accordingly.