
(2014) 07 P&H CK 0162
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-24062-2014

Jawahari Lal

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 482
Penal Code, 1860 (IPC) — Section 34, 431

Citation : (2014) 07 P&H CK 0162

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : Naveen Sharma, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rekha Mittal, J.—The petitioners, through the instant petition filed u/s 482 of the Code of Criminal Procedure, prays for quashing of FIR No. 120 dated 20.11.2013 for offence under Sections 431, 34 of the Indian Penal Code and Section 13A of Punjab Village Common Land Act, registered at Police Station Tibber, District Gurdaspur.

2. Counsel for the petitioners is fair enough to concede that investigation is still in progress and challan has not been presented in the Court.

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 aforesaid judgment passed by this Court, the petition is dismissed being pre-mature as the investigation is still in progress.