
(2006) 05 P&H CK 0222

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 13252/M of 2005

Devinder and others

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision: May 17, 2006

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 406

Hon'ble Judges: Kiran Anand Lall, J

Bench: Single Bench

Advocate: Harsh Kinra, for the Appellant; Jitendra Chauhan, D.A.G., Haryana For the Respondent No. 2 Mr. Anish Setia, for the Respondent

Final Decision: Dismissed

Judgement

Ms. Kiran Anand Lall, J.

This petition u/s 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing of FIR No. 494 dated 19.9.1998, under Sections 406 and 498-A IPC, Police Station, Sector-5, Panchkula (Annexure P-1), lodged against them, and all subsequent proceedings taken in respect thereof.

2. When the petition came up for hearing, learned Senior Deputy Advocate General pointed out that charge was framed against the petitioners, by the trial Court, as early as on 27.4.2000, and the case is at the stage of prosecution evidence. Therefore, he contended, it would not be proper for this Court to quash the FIR and the other proceedings taken during the trial, at this stage.

3. Since charge was framed long back and the case is at the stage of prosecution evidence, this fact, by itself, is sufficient to dissuade this Court from quashing the FIR and all subsequent proceedings taken in respect thereof. The Apex Court, in [State of Bihar and Another Vs. P.P. Sharma, IAS and Another](#), has gone to the extent of holding that even "at a stage when the police report u/s 173 Cr. P.C. has

been forwarded to the Magistrate after completion of the investigation and the material collected by the investigating officer is under the gaze of judicial scrutiny, the High Court would do well to discipline itself not to undertake quashing proceedings at that stage in exercise of its inherent jurisdiction".

4. In view of the above, it is held that no case for quashing of FIR and all subsequent proceedings taken in respect thereof the exercise of inherent jurisdiction u/s 482 of the Code of Criminal Procedure, is made out. The petition shall, accordingly, stand dismissed.