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Devinder and others Vs State of Haryana and another

Criminal Miscellaneous No. 13252/M of 2005

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 17, 2006

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 482#Penal Code, 1860 (IPC) â€" 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.