

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-3515-2014

Date of decision : 31.01.2014

Vivek Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTALPresent: Mr.Gopal Singh Nahel, Advocate
for the petitioner.**REKHA MITTAL, J.(ORAL)**

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

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 under Section 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 descripted in different provisions of Indian Penal Code or any other Penal Law, is made out."

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. However, the petitioner shall be at liberty to approach the concerned investigating officer along with relevant documents.

**(REKHA MITTAL)
JUDGE**

January 31, 2014.

Davinder Kumar