

Punjab-Haryana High Court

Mohan Kumar @ Mohan Lal vs State Of Haryana on 26 March, 2009

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M- 8500 of 2009

Date of decision: March 26, 2009

Mohan Kumar @ Mohan Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

Present: Mr. Dheeraj Bali, Advocate for the petitioners.

S.S. SARON, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure ("CrPC" - for short) seeking quashing of case FIR No.2 dated 7.3.2006 registered at Police Station State Vigilance Bureau Distt. Panchkula for the offences under Sections 406, 409, 420, 467, 468, 471 and 120-B Indian Penal Code ("IPC" - for short).

The FIR has been registered against the contractors of Municipal Council, Panchkula. The petitioner is one of the contractors of the Municipal Council.

It is submitted by learned counsel for the petitioner that a perusal of the FIR shows that the samples of various contractors had been taken and sent to the Forensic Science Laboratory, Madhuban and Forensic Scient Laboratory, Panchkula and these were found to be not meeting the norms and were deficient in many respects. However, it is submitted that the samples of the petitioner were not taken and therefore FIR against him is liable to be quashed.

During the course of hearing, it has been submitted by the learned counsel for the petitioner that charge report (challan) has been filed in the Court in terms of Section 173 CrPC. The petitioner has only placed on record an extract of Crl. Misc. No. M- 8500 of 2009 [2] the charge report (Annexure P4). In any case all the materials and documents which the prosecution has filed in support of its allegations on the basis of which it proposes to prove the charges, are before the learned trial Court. The charge in the case has not so far been framed. It is well-known that at the time of framing of charge, the Court is not to act as a mouthpiece or a post office of the prosecution and it can sift and weigh evidence for the limited purpose of framing of charge.

In the circumstances, it would be just and expedient that the contentions as raised in the present petition are considered by the trial Court itself at the time of consideration of framing of charge. The present is not a case which would warrant interference of this Court in exercise of its inherent jurisdiction under Section 482 CrPC. It is needless to submit that in case the charge is still framed against the petitioner and he is aggrieved against the order, he has his remedies under the law.

In view of the aforesaid facts and circumstances, the present petition is disposed of with liberty to the petitioner to raise his contentions before the learned trial Court itself.

March 26, 2009
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(S.S. SARON)
JUDGE