

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1021 of 2013.
Decided on:-August 04, 2015.

Rishi Pal.Petitioner.
Versus
State of Haryana and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.16 dated 12.1.2012 under Sections 406, 420, 467, 468, 471 and 506 IPC, registered at Police Station Gharaunda, District Karnal.

The complainant-respondent No.2, namely, Sunil Kumar son of Bhim Singh has lodged the aforesaid FIR to the effect that he is doing the work of sanitary. After the registration of the case, investigation was conducted by the Economic Offence Wing, Karnal and during investigation, Anil Kumar son of Jog Ram, caste Rajput, resident of Ariyapura, who is working as meter reader in the village on behalf of Electricity Board came to

the complainant and stated that his brother-in-law Janak Singh, who is residing at Kuccha Camp, Panipat, is having relations with higher Railway authorities and has got appointed many boys in the ministry quota with the help of Railway officials. Said Anil Kumar demanded Rs.5,00,000/- from the complainant and out of which Rs.2,00,000/- were required to be paid immediately whereas the balance amount was payable after the appointment letter and posting. The complainant believed accused Anil Kumar and paid him Rs.2,00,000/- at village Chaura after taking the same from his father in February, 2011. At the time of payment, accused Janak Singh was also present with Anil Kumar. The accused have also taken signatures of the complainant on many forms and other documents including passport size photographs. Thereafter, another amount of Rs.20,000/- was paid to Anil Kumar on 23.3.2011 where Janak Singh met the complainant and accompanied him to Calcutta. On 24.3.2011, Janak Singh got him medically examined at Orthopedic Hospital, Eastern Railway, Howrah and on 25.3.2011 with the help of some officials, he got his reporting and his signatures on some register. However, Anil Kumar and Janak Singh gave appointment letter to the complainant on 12.4.2011 and posting letter on 30.4.2011. When these documents were shown to Delhi Railway Board, the complainant was informed that these are forged documents and someone had cheated him. These letters were never issued by Delhi Railway Board. When the complainant asked Anil Kumar and Janak Singh to pay back his money, the accused avoided on one pretext or the other. It is on these facts, the

aforesaid FIR was registered.

Learned counsel for the petitioner contends that name of the petitioner does not figure in the FIR and there is no entrustment of money to him. Therefore, the FIR qua the petitioner is liable to be quashed.

On the other hand, reply on behalf of the respondent-State has been filed. As per the reply submitted on behalf of respondent-State through Joginder Singh Rathee, HPS, Deputy Superintendent of Police (City), Karnal, the matter was investigated by Economic Offence Wing, Karnal and sufficient proof including phone calls details, joining letter, appointment letter and fake medical fitness certificate and relevant papers regarding cheating with Sunil Kumar by Janak Singh son of Nirmal Singh was found. Said Janak Singh was arrested on 6.7.2012 and on 7.7.2012, the Court of Illaqa Magistrate, Karnal had granted police remand of accused Janak Singh and it is during the police remand on 8.7.2012, accused Janak Singh had made disclosure statement to the investigating officer that he is having a Dhaga factory at Purewala Colony, Panipat in which he suffered a huge loss. During this, he met a person named Vishal @ Vikas Vedra and on 10.5.2012, they had conversation on his phone. Thereafter, he and his brother Rishi Pal in the month of January, 2011 had taken Rs.4,00,000/- in village Chaura for the service in Railway Department for the post of Station Master for complainant Sunil Kumar. On 28.7.2012, petitioner Rishi Pal had appeared before the investigating officer and had admitted his offence that he and his brother Janak Singh had received Rs.4,00,000/- from the complainant at

village Chaura in which he obtained Rs.2,00,000/- of his share which he spent in the construction of the house. Complainant Sunil Kumar has furnished his statement by way of affidavit that Anil Kumar got met him with Janak Singh and Anil Kumar has not taken any money from him and total Rs.6,00,000/- were taken by Janak Singh and his brother Rishi Pal.

Having considered the aforesaid rival contentions of the parties and most importantly, the fact that on 28.7.2012, the petitioner-accused had appeared before the investigating officer and has admitted his offence about the receipt of money along with his brother Janak Singh and coupled with the fact that complainant Sunil Kumar has furnished his statement by way of affidavit that payment was taken by Janak Singh and his brother Rishi Pal i.e. present petitioner, no case for quashing of the FIR is made out. It is during the course of investigation, the name of the petitioner has cropped up.

In this manner, no case for quashing of the FIR under Section 482 Cr.P.C. is made out. Accordingly, the present petition is dismissed.

However, the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

August 04, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE