

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-18680 of 2013 (O&M)

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Date of decision:2.2.2015

Satpal Singh Sodhi

...Petitioner

v.

Union Territory, Chandigarh and others

...Respondents

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(2) Criminal Misc. No.M-7850 of 2014 (O&M)

.....

Manpreet Singh

...Petitioner

v.

Union Territory, Chandigarh and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Aalok Jagga and Mr. Karanyog Singh, Advocates for the petitioners.

Mr. Gagandeep Singh Wasu, Standing Counsel for respondent-U.T., Chandigarh.

Mr. S.S. Momi, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This judgment will dispose of the above mentioned two criminal miscellaneous petitions filed under Section 482 Cr.P.C. for quashing of FIR as these arise out of one FIR No.200 dated 3.4.2013

registered for the offences under Sections 420, 468, 471 and 120-B IPC (Section 471 IPC wrongly mentioned as Section 411 IPC in the head note) at Police Station Manimajra, U.T., Chandigarh and all consequential proceedings arising therefrom as the same is a gross abuse of process of law based on the allegations of respondent No.2 that some persons have deposited in his account an amount of ₹1,17,800/- and he anticipates that he may be involved in some false case, which does not constitute any offence under any provisions of Indian Penal Code.

Notice of motion has been issued in these cases.

Mr. Gagandeep Singh Wasu, learned standing counsel for U.T., Chandigarh has put in appearance on behalf of the respondent-U.T. and Mr. S.S. Momi, learned Advocate has put in appearance on behalf of complainant-respondent No.2 and contested these petitions.

I have heard learned counsel for the petitioners and learned standing counsel appearing for the respondent-U.T. as well as learned counsel for complainant-respondent No.2 and have gone through the record.

The FIR has been registered on the application given by Manmohan Singh that some forged person had deposited a sum of ₹1,17,800/- in his account vide DD No.945710, which amount was remitted in his account with Punjab National Bank. The Bank contacted him through telephone No.0172-2702221 and it was revealed that aforesaid DD was drawn by Punjab and Sind Bank, Bhankarpur, upon which he speculates that this money was deposited in his account by some

deceptive persons to involve him in some conspiracy. He came to know that these persons had opened accounts in different banks and they might be having an account at Bhankarpur. These persons with wrong intentions to constitute the association, namely, Satpal Singh Sodhi, Kuljit Singh Sodhi, Manpreet Singh etc. had transferred the land of the members of the association at lesser price to Ramesh Aggarwal.

After hearing learned counsel for the parties and after perusing the FIR, the only allegation is that some persons had deposited ₹1,17,800/-in the account of the complainant by demand draft. The complainant suspects that he may be involved in some conspiracy. The mere suspicion of the complainant constitutes no offence. Similarly, depositing of wrong amount in the account of some one else, in no way, constitutes the offence under Section 420 IPC. To constitute the offence under Section 420 IPC, there should be some wrongful loss to the complainant and wrongful gain to the accused persons. But in this case, the amount of ₹1,17,800/- had been deposited in the account of the complainant. If this amount had been deposited by some persons inadvertently or intentionally, the remedy with the complainant was simply to tell the bank officials not to deposit this amount in his account being not authorized deposit. But, in no way, it can be held that any offences under Sections 420, 468, 471 and 120-B IPC are made out.

From the perusal of the FIR, it is clear that no offence is made out and the FIR further shows that land Mafia was trying to grab the land of the association with forged documents in connivance with the members

of association, for which a separate FIR has already been registered. Therefore, in the present cases filing of this FIR is nothing, but an abuse of the process of law, as no offence is made out.

Therefore, finding merit in these petitions, the same are allowed. FIR No.200 dated 3.4.2013 registered for the offences under Sections 420, 468, 471 and 120-B IPC (wrongly mentioned as Section 411 IPC) at Police Station Manimajra, U.T., Chandigarh and all consequential proceedings arising therefrom are hereby quashed.

February 2, 2015.

(Inderjit Singh)
Judge

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