

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.M-17227 of 2014 (O&M)
Decided on : 19.05.2015**

Shyam Sunder Jain & ors.

.... Petitioner(s)

Vs.

Vikas Jain

.... Respondent

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- None for the petitioner.

Mr. Amit Kumar Goyal, Advocate
for the respondent.

MAHESH GROVER, J.(Oral)

This is a petition under Section 482 Cr.P.C praying for quashing of complaint No.11/10 dated 22.09.2010/17.09.2013 and the summoning order dated 07.02.2014 whereby the petitioners have been summoned under Sections 409, 411, 419, 420, 468 & 471 read with Section 34 IPC and in addition petitioner No.1 has also been summoned under Section 9 of Essential Commodities Act, 1959.

One of the grounds on which the petitioners have prayed for quashing of the complaint is the overlapping of the nature of the allegations in the complaint and the FIR in which they were facing trial.

Learned counsel for the petitioners at the time of motion hearing before this Court has contended that the FIR No.104 dated 04.04.2010 and the complaint bearing No. 11/10 dated 22.09.2010/17.09.2013 are same and thus, persistence with the proceedings in the complaint would be a sheer abuse of process of law.

I have seen the contents of FIR which have been placed on record as Annexure R-1 and the summoning order. In the FIR, the allegations pertains to the fraudulent withdrawal of the pension of his

own mother Kela Devi, who had expired on 09.12.2007 whereas in the complaint, the allegations are pertaining to fraudulent withdrawal of the pension on account of one Krishna Devi, who had expired on 15.08.2006.

The aforesaid facts would constitute two separate offences and thus, it cannot be said that the complaint and the FIR would pertain to similar allegations to construe an abuse of process of law.

The petition is therefore, held to be without any merit since it is evident that the complaint and FIR disclose separate offences. If that be so, the Court would not exercise its powers under Section 482 Cr.P.C to quash the proceedings on the ground set up. Besides the petitioner has ample remedies seeking his release from the allegations mentioned in the FIR and the complaint before the very Court where proceedings are pending.

Therefore, the present petition stands dismissed.

19.05.2015
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(Mahesh Grover)
Judge