

229

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: October 20, 2015
CRM-M-23892 of 2013 (O&M)

Raju Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-13075 of 2014

Manoj Kumar Mittal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K. Saini, Senior Advocate with
Mr. Akshay Jindal, Advocate
for the petitioners.

Ms. Trishanjali Sharma, AAG Haryana.

SABINA, J.

Vide this order, above mentioned two petitions would be disposed of as the petitioners have sought quashing of FIR No.633 dated 30.06.2009, under Sections 420, 467, 468, 471, 272, 273 of the Indian Penal Code, 1860 ('IPC' for short), Section 16 of Prevention of Food Adulteration Act, 1954 ('PFA Act' for short) and Sections 102, 103 and 114 of Trade Mark Act, 1999 ('Act' for short), registered at Police Station City Panipat and all consequential proceedings arising therefrom.

Learned Senior counsel for the petitioners has submitted that FIR in question was liable to be quashed as proceedings under PFA Act had already been initiated against

accused Suresh Chand. Suresh Chand accused had filed Crl. Misc. No.M-6427 of 2010 seeking quashing of FIR in question and the same was allowed vide order dated 14.12.2012.

Learned State counsel, on the other hand has opposed the petition.

In the present case, FIR in question was quashed in Crl. Misc. No.M-6427 of 2010 filed by accused Suresh Chand. Hence,, the present petitions are liable to be allowed. Accused Suresh Chand is already facing criminal proceedings under PFA Act. Thus, qua the same offence, two separate criminal cases could not have been lodged.

Accordingly, these petitions are allowed. FIR No.633 dated 30.06.2009, under Sections 420, 467, 468, 471, 272, 273 IPC, Section 16 of PFA Act and Sections 102, 103 and 114 of the Act, registered at Police Station City Panipat and all the consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

October 20, 2015
mahavir