

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-24421 of 2014

Date of Decision: January 19, 2015

Nanhi Devi

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Kharb, Advocate
for the petitioner.

Mr.Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.348 dated 20.12.2013 under Sections 409, 420, 467, 468, 471 and 34 IPC registered at Police Station Narwana, District Jind and all subsequent proceedings arising therefrom.

It is mainly stated in the petition that FIR has been registered on the statement of complainant Rohtash. The allegations as per the FIR against the petitioner are that she being Village Secretary committed fraud by appending thumb impression of complainant and of Shukardeen but both of them were not doing any labour work. It has been further averred that complainant has got matched the thumb impression from fingerprint expert and report has

been prepared.

Notice of motion was issued and learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner admitted that challan has not been presented yet and investigation is still going on. At this stage, in no way, it can be held from the perusal of the FIR that no offence is made out. The allegation by the complainant is that he never worked nor he received any amount and his thumb impression has been forged and he also stated that from the private fingerprint expert, he has got compared the thumb impression. In view of the allegations, at this stage, it cannot be held that no offence is made out. Similarly, at this stage, when the investigation is going on, this Court has no material to say that it is a false case as the investigation is still going on and it is for the Investigating Officer to collect the evidence and to come to the conclusion whether the petitioner is involved in the offence or not.

Learned counsel for the petitioner has argued that no FIR can be lodged by any private person and he cited provisions of Haryana Panchayati Raj, Act 1994, which have been mentioned in the petition. I have gone through these provisions. Section 53 of the Act does not deal with the criminal matters. As per Section 204(1) of the Act, the protection is given regarding those acts done in the good faith. It is still to be seen whether these acts can be held as done in the discharge of duties in good faith or not. Therefore, in no way, it can be held that FIR cannot be lodged by private respondent/person

against the accused-petitioner.

In view of the above, no ground is made for quashing the
FIR.

Therefore, finding no merit in the present petition, the
same is dismissed.

January 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE