

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

**239**

**CRM-M-24443-2014**

**Date of Decision: 12.10.2015**

**ANIL KUMAR**

**.... Petitioner**

**VERSUS**

**STATE OF HARYANA**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI**

**Present:** Mr. Arvind Singh Advocate,  
for the petitioner.

Mr. S.S Pannu, DAG, Haryana.

\*\*\*\*

**AJAY TEWARI, J. (ORAL)**

The present petition has been filed under Section 482, Cr.P.C., challenging the order dated 21.04.2014 (Annexure P-2) of the revisional Court.

The petitioner along with other accused was booked under Sections 160 and 283, IPC. They were found by the complainant ASI Baljinder Singh, when they were parked in the middle of the road arguing among themselves. On being asked to give their particulars they gave wrong information. They were ultimately sought to be charged under Sections 160/283 and 419, IPC.

The trial Court held that Section 419, IPC would not be

applicable and charged them under Section 160 read with Section 283, IPC. The State went up in revision and argued that once the accused had given their false name, parentage and address to the police, they were guilty of offence under Section 419, IPC. As mentioned above, the revisional Court accepted the petition.

Learned counsel has argued that the order is illegal.

To appreciate the controversy, it would be necessary to reproduce Sections 415, 416 and 419, IPC.

*415. Cheating.—Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”. Explanation.—A dishonest concealment of facts is a deception within the meaning of this section*

*416. Cheating by personation.—A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is. Explanation.—The offence is committed whether the individual personated is a real or imaginary person .*

*419. Punishment for cheating by personation.—Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.*

A perusal thereof reveals that there is no cheating, which was practised by the petitioner in the technical sense in which the word is used under Section 415 IPC.

Learned Deputy Advocate General has not been able to refute this argument. He has, however, pointed out that in any case, the petitioners are liable to face charge under Section 177 IPC.

Counsel for the petitioner does not deny this fact.

Consequently, this petition is partly allowed.

The order of the revisional Court is set aside and it is directed that the petitioners may be charged with offence under Section 177 (1), IPC, apart from Sections 160/283, IPC.

**12.10.2015**

*PA*

**(AJAY TEWARI)**  
**JUDGE**