

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

CRM-M No.27921 of 2015(O&M)

Date of Decision:-24.08.2015

Rupesh Jindal.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Tarunvir Singh Khehar, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner Rupesh Jindal has preferred this petition under Section 482 Cr.PC seeking quashing of FIR No.2 dated 2.5.2012 for offences punishable under Sections 420, 466, 467, 471 & 120-B of Indian Penal Code and Section 13(1)(D) read with Section 13(2) of Prevention of Corruption Act, 1988 registered with Police Station Vigilance Bureau, FS 1, Punjab at Mohali.

The petitioner is director of M/s Vantage Infratech Private Limited. After investigation the final report under Section 173(2) Cr.PC stands filed before the competent Court. As per the final report (Annexure P-5) the petitioner is alleged to have committed a fraud with HOUSEFED by tampering with the figures in tenders to avail monetary gains. The tenders were for flats at Sector 70, SAS Nagar, Mohali.

A perusal of the final report reveals that petitioner is alleged to

have actively participated in the crime along with other accused persons. However, the learned Counsel for the petitioner has vehemently argued on the issue of jurisdiction of trial Court at Mohali. According to the learned Counsel all events pertaining to tenders such as invitations, applications and finalisation etc has taken place at Chandigarh and, therefore, Courts at Mohali has no jurisdiction.

This argument has no force as the proposed flats in question are at SAS Nagar Mohali and therefore, the offence directly relates to the tenders of proposed flats. Chapter XIII deals with the jurisdiction of Criminal Courts for trials. The ordinary place of trial is where the offence is committed and also at a place where the consequence ensues. A reading of Section 177 and 179 Cr.PC leaves no room for any doubt that the Court at Mohali has the jurisdiction.

Learned Counsel has fairly conceded that the trial Court has framed the charges as well and pursuant to that the prosecution has also examined its witnesses. It is apparent apparent that the trial has commenced and therefore, it would not be appropriate for this Court to invoke its inherent powers under Section 482 Cr.PC to quash the FIR and proceedings qua the petitioner.

Apart from it, the issue of jurisdiction is a mixed question of law and fact and, therefore, does not vitiate the trial particularly when the petitioner has already participated in the trial proceedings.

Even otherwise, reference can be made to Section 462 Cr.PC which contemplates that trial at a wrong place shall not be a ground to set aside any finding or order etc. Though in the present case the Court at Mohali has clear jurisdiction and competent to try the accused persons.

The citations i.e. (2013)10 Supreme Court Cases 591 Umesh Kumar Vs. State of Andhra Pradesh & Anr. & (2013)3 Supreme Court Cases 330 Rajiv Thapar & Ors. Vs. Madan Lal Kapoor relied upon are not attracted in the facts of the present case. This petition is accordingly dismissed.

(JASWANT SINGH)
JUDGE

August 24, 2015
Vinay