

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M-32628-2013

Decided on: 06.07.2015

Sanjeev KumarPetitioner

vs.

State of Punjab and anotherRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Ashok Jindal, Advocate for the petitioner.
Mr. Ravinder Singh Randhawa, Addl. A. G. Punjab.
Mr. Aashish Verma, Advocate for respondent no.2.
**

Mahesh Grover, J

This is a petition under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.99 dated 31.05.2012 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Civil Lines Bhatinda, District Bhatinda (Annexure P1) and all the subsequent proceedings arising therefrom.

The petitioner is a dealer working on behalf of one service provider and providing sim cards upon verification of particulars of the customers. In one transaction, the complainant's wife is alleged to have obtained a sim card by forging the signatures of the complainant. The complainant, who was at logger heads with his wife thus, lodged the complaint with the police resulting in the registration of the aforesaid FIR.

The facts indicate that the wife has probably appended the signatures of her husband to obtain a sim card in his name. Ostensibly, the FIR is a result of the dispute between the husband and wife and the petitioner who provided a sim card in the name of the complainant to his

wife is now suffering the consequences even though, husband and wife have

CRM-M-32628-2013

-2-

settled the matter *inter se* between them.

Learned counsel for the petitioner contends that there was no intent to defraud and it was purely on good faith that the sim card was given to the wife of the complainant. He further contends that in view of the settlement between the complainant and his wife, the petitioner's conviction in the case would be a remote possibility as the particulars of the offence arrayed against him are not satisfied.

The complainant is represented before this Court and he does not dispute the facts leading to the registration of the FIR and the subsequent settlement between him and his wife.

On due consideration of the matter and noticing the undisputed facts leading to the registration of FIR against the petitioner and the wife of the petitioner as well and also the fact that the FIR against the wife has been quashed, I am of the considered view that the FIR which was largely the result of disgruntlement of the complainant cannot be sustained against the petitioner particularly when the case against the wife of the complainant in similar circumstances has been quashed. This is a fit case where powers under Section 482 of the Code of Criminal Procedure needs to be exercised to prevent the abuse of process of law.

The petition is, therefore, accepted and FIR No.99 dated 31.05.2012 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Civil Lines Bhatinda, District Bhatinda (Annexure P1) and all the subsequent proceedings arising therefrom qua the petitioner are hereby quashed.