

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-35846 of 2011 (O&M)
Date of decision: December 19, 2015

Sucha Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Ghuman, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of rapat No.16 dated 01.09.2011 whereby Section 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (PC Act) has been added in case FIR No.62 dated 23.04.2010 under Sections 409 and 420 IPC registered at Police Station, Phillaur, District Jalandhar along with all subsequent proceedings arising therefrom.

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

At the time of arguments, learned counsel for the petitioner argued that in the present case, the FIR was registered against Surjit

Singh, Secretary of the Society. The challan was presented on 01.10.2010 and the charges were framed on 12.10.2010. He next argued that an application was given to ADGP, who marked the same and on the basis of that, report No.16 dated 01.09.2011 (Annexure P-1) was entered in the DDR and then after re-investigating the matter, Sucha Singh present petitioner, who was the Assistant Registrar, was implicated in this case and supplementary challan was presented. Learned counsel for the petitioner next argued that charges were framed by the trial Court on the basis of supplementary challan and the trial is going on. He further contended that as per Annexure P-8, the Assistant Registrar has taken the action against the Committee of the Co-operative Society and due to this, report in the DDR has been got registered to implicate present petitioner and it is liable to be quashed.

On the other hand, learned State counsel argued that trial is going on in this case and three witnesses have already been examined. She next argued that the trial Court has already taken the cognizance. In the report No.16 dated 01.09.2011, there is nothing against the present petitioner. Rather, the offence under Section 13 (1) (d) read with Section 13(2) of the PC Act has only been added. Therefore, this report cannot be quashed at this stage. She next argued that after further investigation, the supplementary challan has been presented against the present petitioner and on the basis of material collected during investigation, the trial Court has taken the cognizance.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, I find that nothing has been shown that the report No.16 dated 01.09.2011 (Annexure P-1) entered in the *roznamcha* can be held as filed with malafide intention. The name of present petitioner Sucha Singh is nowhere mentioned in this report. There is no allegation against the present petitioner in the report nor there is anything to show that this report has been entered into the DDR to implicate the present petitioner. Rather, only offence under Section 13(1) (d) read with Section 13(2) of the PC Act has been added for making further investigation. After completion of investigation, the supplementary challan has already been presented before the Court against the present petitioner. On the basis of the evidence collected during the investigation, the trial Court has already framed the charge against the present petitioner and the trial is going on. The sanction was also obtained from the Government before filing the challan against the present petitioner. The petitioner has neither challenged the report under Section 173 Cr.P.C. nor order framing the charge nor has asked for quashing of the FIR.

From the perusal of DDR report adding above-stated offence, in no way, it can be held that it amounts to miscarriage of justice, especially when in this report, nothing has been stated against the present petitioner. Only in the FIR, the offence has been added. The proper remedy with the petitioner at that time was either to challenge the challan or the order framing the charge against him by

stating that no case is made out against him. Nothing has been shown as to how the addition of offence in the FIR, can be held as illegal.

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

December 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE