

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-32058 of 2015

Date of Decision: September 19, 2015

Gurjant Singh

.....Petitioner

Vs.

State of Punjab and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Aman Bansal, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner had launched a complaint against Harpal Kaur @ Bholi alleging that she has been posted as Anganwari Helper by Child Development Project Officer, Barnala, on the basis of a wrong certificate produced by her. Copy of the complaint is appended as annexure P-1. On the basis of the inquiry held, Harpal Kaur was removed from the job for having used the school certificate of her uncle's daughter to get the job of Helper. The petitioner had again submitted a complaint to Assistant Commissioner of Police (Complaints), Barnala, stating therein the incident of Harpal Kaur having been appointed fraudulently.

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for issuing a direction to the State authorities to launch criminal prosecution against Harpal Kaur and the Child Development Project Officer who has assisted in the appointment of Harpal Kaur on the basis of wrong certificate.

Counsel for the petitioner submits that on the basis of annexure P-4, a cognizable offence is made out against respondents No.6 and 7.

On asking of the Court whether any fraud or wrongful loss has been caused to the petitioner on account of alleged dishonesty of the private respondents, counsel submits that the locus standi in the criminal cases is immaterial and that the private respondents are required to be dealt with strictly as they have committed an offence of making wrong document and having fraudulently and dishonestly obtained a job.

I have heard learned counsel for the petitioner and I am of the opinion that this petition deserves to be dismissed for the following reasons:-

- i) The petitioner has not taken any steps to lodge a complaint with appropriate authority as per the requirement of the statutory law;
- ii) The petitioner prima facie does not have any locus standi as neither any fraud has been played with him nor he has been dealt with dishonestly.

Going by the definition of 'fraudulently' under Section 25 IPC and 'dishonestly' as per Section 24 IPC, neither any wrongful loss has been

caused to the petitioner nor any corresponding wrongful gain has been obtained by the alleged private respondents. Whether the respondents have committed offence of forgery by execution of the false document within the definition of Section 463 IPC to Section 471 or Section 474 IPC, prima facie appears to be a debatable issue.

The Apex Court in **Mohd. Ibrahim Vs. State of Bihar**, 2009 (4) RCR (Crl.) 369 has dealt with the provisions of forgery under Section 467 and 471 IPC as well as the locus standi of a person filing complaint. The criminal proceedings initiated by the complainant were quashed in the said case. It is also important to observe here that the Hon'ble Supreme Court has time and again drawn attention to the growing tendency of complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes. But at the same time, it should be noted that several disputes of a civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes. In this context, the Supreme Court had referred to the judgments of **G. Sagar Suri v. State of U.P.**, 2000 (2) SCC 636 and **Indian Oil Corporation vs. NEPC India Ltd.**, 2006 (6) SCC 736.

I have gone through the entire petition and annexures and I am of the opinion that the petitioner having been encouraged by the removal of Harpal Kaur on the basis of his complaint wants to further harass her by making an attempt to launch prosecution whereas neither any wrongful loss has been caused to him nor any fraud has been played with him. No ground is made out to exercise inherent jurisdiction under Section 482 Cr.P.C. in the present case.

Dismissed. However, nothing said in this order will prejudice the rights of the State authorities to take any action in accordance with law.

September 19, 2015
sanjay

(M.M.S.BEDI)
JUDGE