

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-39554-2014

Date of decision: 30.07.2015

Paul Singh

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Naresh Kaushik, Advocate  
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Ankur Mittal, Advocate  
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

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**RAMESHWAR SINGH MALIK, J.**

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks quashing of FIR No.23 dated 19.03.2013 under Sections 447, 427, 506, 120-B of the Indian Penal Code ('IPC' for short), registered at Police Station Fattu DHINGA, District Kapurthala and subsequent proceedings arising therefrom.

Notice of motion was issued and pursuant thereto, separate replies were filed on behalf of respondents No.1 and 2.

Learned counsel for the petitioner submits that petitioner is

residing abroad and the present FIR alleged against him, was since based on baseless allegations, he is entitled to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C., through his attorney. He further submits that an effort was made to settle the matter amicably, however, since the complainant was not a bonafide litigant, he was trying to put undue pressure on the petitioner. He also submits that even after treating the allegations levelled against the petitioner in the impugned FIR, to be true on the face value, still no offence was made out against the petitioner. He prays for quashing the impugned FIR, including the consequential proceedings arising therefrom, by allowing the present petition.

Per contra, learned counsel for the State as well as learned counsel for the complainant would contend that since the petitioner has been running from the law, he is not entitled for any kind of relief at the hands of this Court. They submit that an effective investigation was conducted in the present case, by a Special Investigation Team comprising Deputy Superintendent of Police, Sub Division, Kapurthala, SHO, Police Station, Fattu Dyinga and SHO, Police Station, Kapurthala. The SIT concluded the investigation and recommended the case to be presented before the learned Court. The said report was approved by the Senior Superintendent of Police, Kapurthala (Annexure R-2). Learned counsel for the respondents further contended that during the pendency of the present petition, petitioner has also been declared proclaimed offender by the learned trial Court and he is not entitled for any relief, for this reason also. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable

length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the present case, noticed hereinabove, instant one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C. To say so, reasons are more than, which are being recorded hereinafter.

A bare perusal of the impugned FIR would show that after treating the allegations levelled to be true on their face value and accepting the same in their entirety, without adding anything thereto and without subtracting anything therefrom, it cannot be said that no case is made out against the petitioner. Further, since the petitioner has not shown any respect for the law and has been declared proclaimed offender, he does not deserves any sympathy, at the hands of this Court as well. Having said that, this Court feels no hesitation to conclude that the legitimate criminal proceedings cannot be quashed, while exercising the inherent jurisdiction under Section 482 Cr.P.C., because doing so would violate the relevant principles of law settled by the Hon'ble Supreme Court.

The abovesaid view taken by this Court also finds support from the numerous judgments of the Hon'ble Supreme Court right from **R.P. Kapur Vs. State of Punjab, AIR 1960 Supreme Court 862**. The law laid down by the Hon'ble Supreme Court in R.P. Kapur's case (supra) has been consistently followed in a long catena of judgments, including in the celebrated judgment on the subject, in **State of Haryana Vs. Bhajan Lal and others, AIR 1992 SC 604**.

Further, although the powers under Section 482 Cr.P.C. are wide enough, yet it is equally true that such powers are to be exercised sparingly and with circumspection. Under the given circumstances of the present case, petitioner has not been found entitled for invoking the inherent jurisdiction of this Court. In fact, it is not even the argued case on behalf of the petitioner that after accepting the allegations in the impugned FIR to be true on their face value, no offence would be made out against the petitioner. In such a situation, it can be safely concluded that since the complainant has launched a legitimate prosecution against the petitioner, the impugned FIR is not liable to be quashed and the instant petition is liable to be dismissed, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed, however, with no order as to costs.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

30.07.2015  
*vishnu*