

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-39867 of 2015

Date of decision : 27.11.2015

Sanjay Golani & anr.

....Petitioners

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Chandna, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 275 dated 03.10.2015 registered under Sections 406, 420, 506/34 IPC at Police Station Baldev Nagar, Ambala and the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that only false allegations have been leveled in the FIR just to implicate the petitioners. Judicial Magistrate Ist Class, Ambala ordered registration of FIR under section 156(3) Cr.P.C. without proper appreciation of facts. According to him, petitioners have been falsely implicated. There is nothing on record to connect the petitioners with the crime. In fact court at Ambala had no jurisdiction to entertain application under section 156(3). Besides ingredients of offence under sections 420, 406 IPC are not made out. He has relied upon judgment of the Apex court reported as *Sharon Michael & ors. vs. State of Tamil Naidu & anr. (2009) SCC(Cri)103.*

I have heard learned counsel for the parties.

Complaint was lodged by Parul (respondent no. 2) stating that on 22.06.2014 Rohit Sabharwal i.e. husband of respondent no. 2 visited the office of petitioners at New Delhi, who were dealing in sale/purchase of used cars. Complainant wanted to purchase Prado car bearing registration no. HR 26 K 9045 of Silver colour for a consideration of ₹8,70,000/-. On 29.06.2014 respondent no. 3 took the delivery of the car after making the full and final payment. At the time of delivery, said vehicle was in running condition and documents were thoroughly checked. It was agreed between them that documents relating to transfer of ownership would be handed over to respondent no. 2 in a week's time. Thereafter, respondent no. 2 made several request to handover the said documents to her but all in vain. Resultantly, respondent no. 2 filed a complaint before the Judicial Magistrate Ist Class, Ambala under section 156(3) Cr.P.C. who ordered registration of FIR against the petitioners. After completion of investigation, case under sections 406, 420, 506/34 IPC was registered against the petitioners.

Admittedly, investigation in the case is pending. Needless to observe that the investigating agency shall consider all aspects of the matter and submit its final report. Prayer of the petitioner that FIR should be quashed at the stage of investigation itself is mis-conceived. A perusal of order, Annexure P5 whereby the Magistrate invoked his power under section 156(3) Cr.P.C. shows that same suffers from no legal infirmity. Judgment in *Sharon Michael's case* cannot help the case of the petitioner as in the said case summons issued to the accused were quashed. In the

section 156(3) Cr.P.C. and same is in progress. There is, thus, no merit in this petition. Dismissed.

November 27, 2015

Ajay

(RAJAN GUPTA)
JUDGE