

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-41548 of 2015 (O&M)
Date of decision: December 15, 2015

Lal Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Deepak Aggarwal, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.1168 dated 09.10.2013 under Sections 420 (Section 177, 181 and 200 IPC added later on) registered at Police Station City Panipat.

At the time of arguments, learned counsel for the petitioner argued that FIR cannot be lodged under Sections 177, 181 and 200 IPC only on the complaint of complainant as per Section 195 Cr.P.C. He next argued that offence under Section 420 IPC is not made out.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that FIR has been got registered by Estate Officer, HUDA, on the basis of application. The present petitioner Lal Singh is named in the FIR. It is stated in the FIR that

HUDA had invited applications for allotment of plots for various categories i.e. general, SC, BC, Ex-serviceman, defence personal, handicapped etc. for residential Sector No.18, Urban Estate Panipat. In the eligibility conditions meant for reserved category, it was made clear that the benefit under the category can be obtained once in life. Lal Singh had applied for allotment of plot under the category SCCAS vide application No.002875 by concealing the previous allotment in his name under the said category by submitting the documents and affidavit accordingly. His application was entertained and in the draw of plots, he succeeded in obtaining the allotment of plot No.1197 under the category B. It had transpired that Lal Singh concealed the true and material facts and fraudulently obtained allotment of more than one plot under the above-stated category by concealing the material facts and in violation of the eligibility condition for the allotment.

The perusal of the FIR, in no way, show that no offence is made out. The applicant has taken the benefit regarding the allotment of plot in the reserved category by making false averments in the application as well as his affidavit etc. In view of the contents of the FIR, it cannot be held that no offence is made out. The challan has already been presented before the Court. It is for the trial Court, first to see under which offence, charge is made out and whether there is any complaint given by the public servant or whether it is necessary in the facts and circumstances of the case. At this stage, in no way, it can be held that no case is made out nor in any way, it can be held

that registration of FIR is abuse of process of law.

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

December 15, 2015
Vgulati

(INDERJIT SINGH)
JUDGE