

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

**CRM NO. M-5787 OF 2015 (O&M)
DECIDED ON : 23.02.2015**

N. P. Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Ravinder Hooda, Advocate,
for the petitioner.

K. C. PURI, J. (ORAL)

This is petition under Section 482 of the Code of Criminal Procedure for quashing FIR No. 23 dated 09.11.2012 under Sections 409/420/467/468/471/120-B of the Indian Penal Code and under Section 13 (1) (D) read with Section 13 (2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Patiala.

Brief facts of the case are that the FIR in question was recorded at the instance of SSP, Patiala, who has stated in the complaint that during inquiry conducted by the Vigilance Bureau, it was found that the owner of Khasra No.104 was Kanwar Brijinder Singh. Out of the said area, some part thereof was sold

by Kanwar Brijinder Singh to Govt. of India (Department of Post and Telegraph) and to some other private persons. In the year 1958, after the death of said Kanwar Brijinder Singh, the remaining property pertaining to Khasra No. 104 was transferred in the name of his son Kiraninder Singh and his daughter. Out of the same, Kiraninder Singh has sold the land to various private persons from time to time. Now said Kiraninder Singh has executed an agreement to sell with N.P.Singh (present petitioner), Yashpal Aggarwal and Devinder Singh Sandhu but the said land does not belong to him rather it belongs to Khasra No.103 which is a government land. But Kiraninder Singh in connivance with the Deputy Commissioner, Patiala, Naib Tehsildar, Area Kanungo and Patwari, has got the land mutated and as such, they have committed offence by misappropriating the government land. Hence, the FIR was lodged.

The only point urged during the course of arguments is that the complainant is the Investigating Officer and as such, the proceedings cannot be continued.

To fortify this argument, he has placed reliance upon authority "***Bhagwan Singh vs The State of rajasthan***" 1976 (1) SCC 15.

I have carefully considered the said submission but do not find any force in the same.

The authority ***Bhagwan Singh's case (supra)*** relates to investigation conducted by a Head Constable in respect of the offence under the Corruption Act. It is not disputed that only DSP is competent to investigate the matter in respect of offence under the Corruption Act. So, the above said authority is remotely connected to the facts of the present case.

Learned counsel for the petitioner has also relied upon authority ***"Babubhai vs State of Gujarat and others" 2010 (12) SCC 254.*** The question posed before the Hon'ble Apex Court in that case was as to whether two FIRs can be lodged in respect of the same transactions. The ratio of said authority is that if the two FIRs pertain to different incidents/crimes, in that case, the second FIR is maintainable. There is no dispute to that preposition of law.

Learned counsel for the petitioner could not point out, at this stage, that he would be prejudiced in any manner if the investigation is done by the same SSP who is complainant in the present case.

On merits, learned counsel for the petitioner has not made any request for quashing as having been realized that the co-accused Vikas Garg vide CRM No. M-7446 of 2013 and another accused Pritpal Singh vide CRM No. M-5085 of 2014 sought quashing of the FIR in question and both the above said petitions were dismissed vide order dated 13.03.2013 and 11.02.2014 respectively.

In view of the above, the present petition is without any merit and the same stands dismissed.

FEBRUARY 23, 2015
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(K. C. PURI)
JUDGE