

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.13 17:54
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CRM No. M-8033 of 2014 (O/M)
Date of decision : 9.1.2015

Ashwani Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Ashish Sanghi, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

The present petition has been filed for quashing of FIR No. 11 dated 5.2.2012 (Anenxure-P-4), registered under Sections 419/420/465/467/468/471/120-B IPC at Police Station Mataur, District SAS Nagar (Mohali), on the ground that on the similar facts, FIR No. 22 dated 1.2.2011 (Annexure-P-1) was registered under Sections 420/406/465/467/468/471/120-B IPC at Police Station City Khanna, in which challan dated 26.5.2012 (Annexure-P-5) has been filed and the charges have been framed, vide chargesheet dated 11.10.2012 (Annexure-P-6) and the petitioner is being tried in the Court of Sub Divisional Judicial Magistrate, Khanna.

A perusal of FIR No. 22 dated 1.2.2011 (Annexure-P-1) shows that certain allegations were levelled against the present petitioner and three others regarding opening of different bank account by providing forged I.D. proofs. Later on, the Senior Superintendent of Police, District Khanna, wrote a letter to the Senior Superintendent of Police, District SAS Nagar (Mohali), enumerating that some of bank accounts are within the jurisdiction of District SAS Nagar (Mohali). Therefore, on the basis of the said letter, another FIR No. 11 dated 5.2.2012 (Annexure-P-4) was registered at Police Station Mataur, District SAS Nagar (Mohali).

Learned counsel for the petitioner contends that for the same offence, there cannot be two trials.

The legal position is not disputed. If initially the FIR was registered at Police Station City Khanna and some part of the offence was committed within the jurisdiction of some other police station, the offence could be enquired into and tried in District Khanna. In these circumstances, the registration of second FIR at District SAS Nagar (Mohali), regarding part of the offence, is misused of process of Court.

On the other hand, learned Deputy Advocate General for the State, on instructions from HC Satwinder Singh, Police Station City Khanna and HC Gurmeet Singh, Police Station Phase-7, SAS Nagar (Mohali), states that in FIR No. 11 dated 5.2.2012 (Annexure-P4), the investigation has been completed and the challan has been

presented in the Court of Shri Aashish Saldi, the learned Judicial Magistrate 1st Class, SAS Nagar (Mohali) and the charges have been framed, in which out of 14 witnesses, 3 have been examined.

In these circumstances and keeping in view the fact that the allegations in both the FIRs are same, the continuation of trial at District SAS Nagar (Mohali), is not just. Therefore, the case pertaining to FIR No. 11 dated 5.2.2012, registered under Sections 419/420/465/467/468/471/120-B IPC at Police Station Mataur, District SAS Nagar, Mohali (Annexure-P-4), which is stated to be pending in the Court of Shri Aashish Saldi, the learned Judicial Magistrate 1st Class, SAS Nagar (Mohali), is withdrawn from his Court and the same is transferred to the Court of the learned Sub Divisional Judicial Magistrate, Khanna, with a direction that both the cases be tried jointly. It shall always be open to the learned Sub Divisional Judicial Magistrate, Khanna, to consider framing a joint charge and record joint evidence in both the cases.

The present petition is accordingly disposed of.

(KULDIP SINGH)
JUDGE

9.1.2015
sjks