

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-16118 of 2016 (O&M)**
Date of Decision: May 12, 2016

Anil Kumar Garg

...Petitioner

VERSUS

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Vivek Aggarwal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Kulwinder Singh for quashing of FIR No.28 dated 08.03.2012 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Kurali, District SAS Nagar, for quashing of report dated 05.01.2014 under Section 173 Cr.P.C. and for quashing of order dated 11.11.2014 passed by learned Addl. Chief Judicial Magistrate, Rupnagar, whereby the charges have been framed against the present petitioner and also for quashing of the judgment dated 10.12.2015 passed by learned Sessions Judge, Rupnagar, vide which revision preferred by the petitioner against the order framing the charge was dismissed.

I have heard learned counsel for the petitioner and have

gone through the record.

From the record, I find that challan/report under section 173 Cr.P.C. has already been presented in the aforesaid FIR on 05.01.2014. The charges have already been framed by the learned trial Court on 11.11.2014, which means that the Court has already taken the cognizance and found that prima facie case is made out from the FIR.

Learned counsel for the petitioner argued that present petitioner is not involved in the commission of the offence and there is nothing against him and the FIR should be quashed.

As already discussed, the charges have already been framed by the trial Court and the Court has taken the cognizance. Secondly, remedy against the order framing of charge is the revision petition and the petitioner has already availed the remedy by way of filing revision which was dismissed by learned Addl. Sessions Judge, Rupnagar vide judgment dated 10.12.2015.

Further, from the perusal of the FIR, in no way, it can be held that no offence is made out. Furthermore, the perusal of the judgment dated 10.12.2015 passed by learned Sessions Judge, Rupnagar, vide which revision filed by the petitioner has been dismissed, shows that it is specifically held that Court has gone through the statements of Kulwinder Singh, Harpal Singh, Ajmer Kaur, Jasbir Singh, Harpreet Singh recorded under Section 161 Cr.P.C. and statements of Satpal Patwari and Sukhchain Singh Patwari are also on the record. The present petitioner claimed himself to be the

Manager of Vallabh Steels Limited, Ludhiana. The revisionist does not claim that he has nothing to do with this concern. The disputed sale deed is in favour of Vallabh Steels Limited.

The Court after discussing these facts, dismissed the revision petition against the order of framing the charge. Otherwise also, at the time of framing of charge, the Court is to see prima facie case only. At this stage, in no way, it can be held that registration of FIR against the present petitioner is abuse of process of law or amounts to miscarriage of justice. Similarly, the order of framing the charge and the dismissal of the revision petition by the Sessions Court against framing the charge, in no way, can be held as perverse or against the law.

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

May 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE