

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.27520 of 2016
and
Criminal Misc. No.M-30618 of 2016

.....

Date of decision:7.9.2016

Ajit Singh and another

...Petitioners

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.S. Khurana, Advocate for the petitioners.

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Inderjit Singh, J.

Cr. Misc. No.27520 of 2016:

For the reasons mentioned in the criminal miscellaneous application, the petitioners are permitted to substitute Annexure-P4 with the correct typed copy subject to just all exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-30618 of 2016:

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.87 dated 1.6.2013 (Annexure-P.1) registered for the offences under Sections 419, 420, 423, 465, 467, 468, 471 and 120-B IPC at Police Station City Samana, District Patiala and all consequential proceedings arising therefrom including the order dated 5.5.2015

(Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Samana, whereby charges have been framed against the petitioners for the offences under Sections 419, 420, 465, 467, 468, 379, 330, 471 and 120-B IPC and the order dated 2.1.2016 (Annexure-P.3) passed by the learned Additional Sessions Judge, Patiala, whereby Criminal Revision No.3 of 2016 filed by the petitioners against the order dated 5.5.2015 has been dismissed.

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

At the time of arguments, learned counsel for the petitioners argued that no case is made out from the perusal of the FIR as well as from the statement of Gurcharan Singh. Therefore, he argued that the FIR and all subsequent proceedings including the framing of charges and the order passed in the revision should be quashed.

From a perusal of the record and as argued, it is revealed that the present petitioners earlier also filed the petition for quashing of the above FIR, but vide order dated 12.8.2014, they had withdrawn the same with liberty to raise all the objections before the trial Court at the time of framing of the charges. After framing of the charges now again the present petitioners have filed this petition for quashing the FIR. There is nothing on the record that any liberty had been taken for filing the second petition again after the framing of the charges etc. The only liberty was given to raise all the objections before the trial Court. Therefore, the second petition is not maintainable. Even otherwise, on merits, I have gone through the FIR

which was registered on the statement of Apwinderjit Singh. A perusal of the FIR shows that the allegations have been levelled against the present petitioners that in the year 2010 accused persuaded the complainant and his father to open Sub Office of their Company at Khanna and they assured that they will assist in running the Sub Office. It is also in the FIR that in the course of running business of the Company at Khanna, they took certain blank cheques bearing signatures of the complainant and his father from them at Samana. Later on, it transpired that accused No.1 by misusing his power and with the active connivance of accused Nos.2 and 3 cheated several persons in crores of rupees and many FIRs were registered against him, but he managed to escape either by returning the amount or by making compromise. Thereafter, the complainant and his father demanded their blank cheques from the accused, but they stated that those have been lost/misplaced. Believing this, the complainant and his father did not take any action against the accused. Now the accused/petitioners are misusing those blank cheques, one of these cheques is bearing No.035377 given to them in the year 2010 in the course of business of the Company by alleging that the complainant had borrowed a loan of ₹17.5 Lacs on 3.6.2010 and on 17.2.2012 and he issued post-dated cheque bearing date 17.4.2012. It is also in the FIR that the complainant was not in India on that date as such the question of issuing cheque on 17.2.2012 by the complainant does not arise. The charges have already been framed by the learned Magistrate and further revision petition filed before the learned Sessions Judge has also been dismissed vide order dated 2.1.2016 passed by learned Additional Sessions

[4]

Judge, Patiala.

I have also gone through the orders passed by the Courts below. The orders passed by the Courts below are correct as per law and do not require any interference from this Court. The learned Additional Sessions Judge in the revision petition has correctly held that at the time of framing of the charges only *prima facie* case is to be seen and even strong suspicion is sufficient for framing of the charges. At this stage, evidence is not to be weighed for the purpose of conviction and the defence version of the accused is also not to be seen.

From the record, I do not find anything to show that the registration of the FIR is an abuse of the process of law or the orders passed by the Courts below are illegal or amount to miscarriage of justice.

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

September 7, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No