

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

**CRM No.M-30719 of 2014
Date of Decision: May 04, 2016**

Pawan Kumar **Petitioner**

vs.

The State of Haryana and another **Respondents**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Anil Ghanghas, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Manoj Sood, Advocate for respondent No.2.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Petitioner seeks quashing of FIR No.576, dated 24.07.2014, under Sections 420, 406 and 506 IPC, registered at Police Station Sadar, Bhiwani.

I have heard learned counsel for the parties and have also carefully gone through the case file. I have also gone through the contents of the FIR also.

It comes out that the FIR was lodged on the order of learned Illaqa Magistrate under Section 156(3) Cr.P.C. In the complaint, the allegations against the accused are that without the consent of the company, the accused sold the fodder on higher rates with the intention to misappropriate the amount of the company. Thus, there are allegations of misappropriation, criminal breach of trust and cheating as well.

Learned counsel for the petitioner contends that previously also, the complainant had filed a complaint before the Superintendent of Police, Bhiwani, in which inquiry was conducted and it was found to be false.

Learned counsel for the petitioner also referred to some emails.

I am of the view that this Court is not to appreciate the evidence on merits and pass its own judgment.

Let the entire evidence be put before the Investigating Agency and let the Investigating Agency examine and verify the facts and circumstances and also the documents/evidence put forward by the parties and thereafter reach at its own conclusion. After the investigation, it shall be open to the police to present the challan, if it is found that some crime has been committed. At the same time, if it is found by the police that no criminal offence is made out, the police shall be at liberty to present the cancellation report.

The present petition is disposed of with the abovenoted observations.

May 04, 2016
sarita

(KULDIP SINGH)
JUDGE