

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

CRM-M No. 32409 of 2016

Date of decision : September 15, 2016

Vinod Kumar and another,

..... Petitioners

v.

State of Haryana and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Akashdeep Singh, Advocate
for the petitioners.

Ajay Tewari, J (Oral)

This petition has been filed with a prayer to quash FIR No.125, dated 8.3.2016, registered under Sections 420, 467, 468, 471, 120-B, 201 (added later-on) of the IPC at Police Station Assandh, District Karnal.

One Chandu sought a loan from the HDFC bank and asserted that he would give as security 13 acres of land which he owned.

Alongwith the application for loan, he annexed jambandi which showed

that he was the owner of approximately 13 acres of land. Apparently, the officials of the bank who were entrusted to check the loan application became suspicious and made online checking about the landholding of Chandu and discovered that the jamabandi which had been produced was a fabrication. It is also alleged that they themselves got copies from the Tehsil office and in those copies of the jamabandis also the same fabrication was existing. It was at that stage that the bank Manager gave a complaint to the Tehsildar. The Tehsildar got lodged the instant FIR and expressed an apprehension that some officials of his office could also be involved in the production of these fabricated jamabandis. The petitioners are the Data Entry Operators in the Tehsil office.

Counsel for the petitioners has vehemently argued that there is material on record to show that the fabricated jamabandis were obtained from some outside source and were not generated from the computer system in the Tehsil office and this conclusively shows that the apprehension expressed by the Tehsildar that some officials of his office were involved was wrong, and has consequently prayed for quashing of the FIR qua the petitioners.

It may be mentioned here that apart from the apprehension of the Tehsildar, the other material which is against the petitioners at the stage is the statement of the bank official who unearthed the scam and

the statement of the concerned Patwari who admitted his signatures on the jamabandi to claim that he did so because those jamabandis were issued from the Tehsil office. In my opinion, these are contentious questions of fact and the instant FIR cannot be quashed at this stage because to do so would be in-fact to hold that the statement of the bank official who unearthed the scam is also incorrect, apprehension of the Tehsildar is also incorrect and the statement of the Patwari is also incorrect. This can only be done after appreciation of the evidence. Consequently, the petition is dismissed.

September 15, 2016
`kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No