

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-3467 of 2016(O&M)
Date of Decision: February 01, 2016

Dinesh Katiyar @ Dinesh Chander Katiyar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Punia, Senior Advocate with
Ms.Harveen Kaur, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.270 dated 23.12.2011 under Sections 420, 468 and 120-B IPC registered at Police Station Kosli, District Rewari and report under Section 173 Cr.P.C. and charge-framed.

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

At the time of arguments, it is admitted that challan was presented in this case and the charges were already framed in the year 2012 and since then, the trial is going on and no evidence has been recorded so far. As the trial Court, after going through the report under Section 173 Cr.P.C., statements and documents on record, has framed the charge by finding prima facie case against the petitioner,

therefore, in no way, it can be held that no offence is made out from the perusal of the FIR. Otherwise also, the petitioner has not filed the revision to challenge the charge-sheet at that time or afterwards.

From the perusal of the FIR, in no way, it can be held that no offence is made out. The defence of the accused, if any, is to be considered by the trial Court on the basis of the evidence produced before it. In the quashing petition, no finding can be given regarding defence version as no evidence, at this stage, is before this Court. There are allegations regarding payment of ₹30 lacs for obtaining Gas Agency and it is in the FIR itself that present accused has returned and given the demand draft of ₹10 lacs to the complainant out of said amount of ₹30 lacs.

In view of the above discussion, in no way, the registration of FIR and presentation of challan after completion of investigation, can be held as it amount to miscarriage of justice or abuse of process of law.

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

February 01, 2016
Vgulati

(INDERJIT SINGH)
JUDGE