

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

CRM No.M-41216 of 2015 (O&M)

Date of Decision: July 21, 2016

Ibqal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dhriti Jasleen Sharma, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Navkiran Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Givandeep Kaur for quashing of FIR No.188 dated 25.09.2015 under Sections 406 and 420 IPC registered at Police Station Shimlapuri, District Ludhiana and all subsequent proceedings.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

Learned counsel for the petitioner argued that due to inadvertence and not due to the mistake of the petitioner, the department has

given an amount of ₹18,972/- from the provident fund to the petitioner. Learned counsel for the petitioner further argued that form No.20 was filled by the official of the department and it is not filled in the hands of the present petitioner. He next argued that an amount of ₹19,000/- has already been paid to the complainant Givandeep Kaur, which has been accepted in CRM No.M-35244 of 2015 decided on 16.11.2015, copy of which is Annexure P-2. He also contended that amount of ₹19,000/- has been handed over to the counsel for the complainant in the Court. Learned counsel for the petitioner, therefore, argued that continuation of present FIR and subsequent proceedings, is nothing but abuse of process of law.

On the other hand, learned State counsel as well as learned counsel for respondent No.2 argued that in the form, admittedly signed by the present petitioner, the deceased Kulwant Singh was shown as unmarried and a fraud has been committed and amount of provident fund was taken by present petitioner Iqbal Singh. Learned counsel for respondent No.2 further argued that amount has been received, as complainant is legally entitled to receive the same but the present petitioner has committed a fraud by cheating the department and the present complainant-respondent No.2 by saying that Kulwant Singh deceased was unmarried and offence has been committed, which is proved from the document on record. Therefore, no ground is made out for quashing of the FIR.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

First of all, I find that it is admitted at the time of arguments that present petitioner has received ₹18,972/- from the provident fund of his

but he stated that it is not filled on his instructions. These are findings of fact, which are to be given by the trial Court on the basis of evidence. At this stage, in view of form No.20, the deceased was shown as unmarried wrongly to receive the money, whereas the deceased has left his wife Givandeep Kaur, who is complainant-respondents No.2. The mere fact that money has been paid to the complainant-respondent No.2 in the anticipatory bail proceedings, is no ground for quashing the FIR. At this stage, in no way, it can be held that registration of FIR amounts to miscarriage of justice.

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

July 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE