

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

**C.R.M-M No.8449 of 2013 (O&M)
Date of Decision : 19.10.2016**

Dinesh Katiyar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Punia, Senior Advocate with
Mr. P.S.Punia, Advocate
for the petitioner.

Mr. S.S.Sidhu, AAG, Punjab.

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

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482
Cr.P.C. for quashing of F.I.R. No.123 dated 21.07.2010 registered under
Sections 420/465/468/471 IPC at Police Station Sultanpur Lodhi, District
Kapurthala that an FIR on the same allegations being FIR No.35 dated
08.05.2010 was lodged at Police Station Kasna, District Gautam Budha

Nagar, U.P. by the same complainant against the same petitioner. The gravamen of the allegations in both the cases is that the petitioner had induced the complainant to hand over to him money and to invest further money on the false assurance that he would be able to provide him a gas dealership.

On 21.03.2013 the following order was passed :-

“Petitioner seeks the quashing of FIR No. 123 dated July 21, 2010 registered under Sections 420, 465, 468, 471 IPC at Police Station Sultanpur Lodhi, District Kapurthala on the ground that a similar FIR has already been registered against the petitioner on same allegations.

*It is claimed by counsel for the petitioner that the incidents in both the cases are same and arise out of the same occurrence. Counsel places reliance on **Anju Chaudhary Vs. State of U.P.**, 2013 (1) RCR (CrL.) 686 following the judgment in **T.T. Antony Vs. State of Kerala**, 2001 (3) RCR (CrL.) 436.*

Notice of motion for August 7, 2013.

Notice re: stay as well.

Copy of the challan in both the FIRs will be produced before this Court on next date of hearing to fairly appreciate the contention.”

Learned Assistant Advocate General and learned counsel for

the complainant have tried to draw distinction by saying that in the case

at Gautam Budha Nagar (in FIR No.35 dated 08.05.2010) the allegation was that Rs.5.00 lacs had been obtained by the petitioner while in the instant FIR the allegation is that the complainant had spent Rs.8.50 lacs.

In my opinion this would not alter the fact that both these cases have arisen out of the same allegation and the same alleged fraud.

In the circumstances, the judgment of the Supreme Court in ***Anju Chaudhary Vs. State of U.P. (supra)*** would be squarely applicable.

Consequently the petition is allowed and F.I.R. No.123 dated 21.07.2010 is quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

19.10.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No