IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-13257 of 2017 (O&M)
Date of Decision: May 03, 2017

Santoshi Lal

...Petitioners

VERSUS

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pradeep Virk, Advocate,
for the petitioner.

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INDERJIT SINGH, J.

CRM No.14379 of 2017

The application is allowed subject to all just exceptions. Annexure A is taken on record.

CRM No.M-13257 of 2017

The petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of U.T. Chandigarh for quashing the FIR No.143 dated 14.04.2016 under Sections 177, 192, 420 and 511 IPC registered at Police Station Sector-34, South Chandigarh and subsequent proceedings arising therefrom.

At the time of arguments, learned counsel for the petitioner argued that allegations in FIR against the present petitioner, is that he declared his family income from all sources as ₹10,936/- per month which annually comes to ₹1,31,232/- and got issued an income certificate declaring his total family annual income to the tune of ₹1,31,232/- and on that basis, the petitioner applied in the Tender Heart School for admission of his ward under EWS category whereas his income was ₹1,60,000/-. Apart from this income of his wife was ₹1,50,000/- for the assessment year 2014-15. Learned counsel for the petitioner further argued that FIR is totally vague and based on wrong and false facts. As a matter of fact, income relates to the financial year 2013-14, whereas income of the petitioner for the financial year 2014-15 was never taken into consideration neither by the school nor SDM nor the investigating agency.

I have gone through the record, especially the report under Section 173 Cr.P.C. placed on the record along with documents. The perusal of the record shows that the letter written to the District Education Officer, Chandigarh Administration by Principal states that it has been confirmed from the Income Tax Department, Sector-17, Chandigarh that the returns of income as filed by Santoshi Lal for the previous assessment year are as follows:-

Assessment Year	Income (Rs)
2011-12	Rs 1,50,000/-
2012-13	Rs 1,80,000/-
2013-14	Rs 1,80,000/-
2014-15	Rs 1,60,000/-

It is also in this letter that most importantly, the above income tax returns of petitioner are apart from the income status of his wife Mrs.Anita. It is further stated in the letter that it has been confirmed from the Income Tax Department, Sector-17, Chandigarh that Mrs.Anita has also filed an Income return of ₹1,60,000/- for the assessment year 2013-14.

I have also gone through other documents placed on record. In no way, it can be held that it is a case of no evidence nor it can be held that no offence is made out.

In view of the above discussion, I do not find any ground to quash the FIR in the present case. Therefore, finding no merit in the present case, the same is dismissed.

However, nothing state above will constitute my opinion on merits of the case and learned trial Court is to proceed with the case without being influenced from any observation given by this court in this case.

May 03, 2017 **(INDERJIT SINGH)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **No**