

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

(i) CRM No.M-15589 of 2017 (O&M)

Ishwar Singh Yadav and others
...Petitioners

VERSUS

Manish Vashishth and another
...Respondents

(ii) CRM No.M-16299 of 2017 (O&M)

Ishwar Singh Yadav and others
...Petitioners

VERSUS

Manish Vashishth and another
...Respondents

Date of Decision: August 24, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.P.S.Ghuman, Advocate
for the petitioners.

Mr.Manish Vashishth,
respondent No.1-in person.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as the
point for determination in both the cases is the same.

Petitioners have filed these petitions for quashing of order
dated 11.04.2017 passed by learned Addl. Sessions Judge, Narnaul, vide

which the revision petition filed by respondent No.1 was allowed and also for quashing the complaint No.10RT 16.03.2011/21.04.2016 under Sections 409, 406, 418, 166, 167, 217, 218, 201, 203 and 120-B IPC, summoning order dated 28.04.2017 passed by learned trial Court and all consequential proceedings arising therefrom, being counter blast to the FIR registered against respondent No.1.

Notice of motion was issued. Respondent No.1-in person and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner, respondent No.1-in person as well as learned State counsel and have gone through the record.

From the record, I find that complainant Manish Vashisth filed a complaint against accused Ishwar Singh Yadav, Divisional Engineer, Ram Kumar Sharma, Sub Divisional Engineer, Jai Parkash Sharma, Junior Telecom Officer and Puran Chand, Mahaparbhandhak, BSNL, under Sections 409, 406, 418, 166, 167, 217, 218, 201, 203 and 120-B IPC. The case of the complainant is that in the office of BSNL, Ishwar Singh Yadav is Divisional Engineer, Ram Kumar Sharma is Sub Divisional Engineer (Commercial) and Jai Parkash Sharma is Telecom Officer and they in connivance with each other, have conspired to cause loss to BSNL and have offered undue advantage to its customers and engaged in extending Broadband services to its customers, to which they were legitimately not entitled and are causing loss to BSNL by misappropriation. Sh.Puran Chand, Deputy General Manager, in collusion with them, prepared false enquiry reports to save his officials from any criminal liability. It is also in

General Manager, BSNL and Chairman-cum-Managing Director, BSNL, about the alleged misappropriation and the same was enquired by Puran Chand, Deputy General, Manager, Ambala, who connived with the accused persons and in order to protect them from the punishment, presented wrong report, which has caused loss of ₹2250/- per month per connection. As per inquiry report of Puran Chand, Deputy General Manager, in respect of giving illegal Home Unlimited Plan of ₹750/-, the connections were given to Dr.Dinesh Maji at his workplace, Dr.Raj Kumar Sharma, at his work place and to M/s Mittal Oil and Flour Mills. It is stated that as per rules, these connections cannot be provided at the commercial installations.

From the perusal of the complaint itself, it is clear that there is no embezzlement by any of the officer. All the accused are officers of the BSNL etc. and they have passed the order or given the connections while performing their official duties. Even if it is taken that there is some violation of rules, even then, there is nothing on the record to show any criminal intention of misappropriation of any amount. Whatever amount has been charged from customer, has not been taken away by these officers. From the complaint itself, it is clear that Puran Chand, Deputy General Manager, has also made an enquiry and there is no question of any misappropriation etc. No offence of any type is made out against these petitioners. It looks that this complaint is nothing but a counter blast, as against the present complainant, other FIRs are pending and judgment of conviction has been passed against the petitioner, as per Annexure P-1.

The complainant is stated to be a Journalist and also practising as an Advocate. It looks that the complaint in question has been filed to put

pressure upon the Officers-petitioners with malafide intention.

In view of the above discussion, I find that filing of the present complaint is nothing but abuse of process of law.

Therefore, finding merit in both the petitions, the same are allowed. The order dated 11.04.2017 passed by learned Addl. Sessions Judge, Narnaul, complaint No.10RT 16.03.2011/21.04.2016 under Sections 409, 406, 418, 166, 167, 217, 218, 201, 203 and 120-B IPC, summoning order dated 28.04.2017 passed by learned trial Court and all subsequent proceedings arising therefrom, are hereby quashed.

August 24, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No