

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

**CRM No.M-16990 of 2016 (O&M)
Date of Decision: February 06, 2017**

Parminder Singh alias Mahakal

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Loomba, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Sandeep Arora, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing FIR No.4 dated 01.01.2015 under Sections 406, 420, 365, 506 and 120-B IPC registered at Police Station Nakodar, District Jalandhar and charge-sheet under Section 307 IPC, as FIR No.1 dated 01.01.2015 has been registered at Police Station Phillaur under same offences.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.2 and 3 appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner

mainly argued on one point that FIR No.1 dated 01.01.2015 has already

been registered qua same offences under Sections 406, 420, 365, 506 and 120-B IPC at Police Station Phillaur, therefore, FIR No.4 dated 01.01.2015 registered at another Police Station under same offences, cannot be registered as it amounts to registration of second FIR.

On the other hand, learned State counsel as well as learned counsel for respondents No.2 and 3, argued that both the FIRs have been got registered by separate complainants. The present petitioner has cheated the complainants of both the cases. The FIR No.1 dated 01.01.2015 has been registered at Police Station Phillaur and it was got registered by Gurjeet Singh whereas FIR No.4 dated 01.01.2015 has been registered at Police Station Nakodar at the instance of Gurdeep Singh. Both the occurrences are different as the petitioner cheated both the complainants not at the same time but on different accounts and evidence in both the cases are separate regarding giving of money etc. The petitioner along with other accused took the victims of these together and kept confined them in Nepal.

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

It is settled law that qua the same occurrence, two FIRs cannot be registered but in the case in hand, the complainants are different and the FIRs have been registered in two different police stations regarding two occurrences of cheating etc. The accused at the subsequent stage took the victims of both the cases together for the purpose of sending them abroad and kept them confined illegally in Nepal along with other person.

Only on this ground that victim of one case also stated to have been confined together with the victim of another case and other persons,

will not show that this is one and same occurrence or the evidence in the

both the cases is the same. Rather, in both the cases, material witnesses would be different i.e. complainants are different and they are to produce the evidence regarding payment of money and to prove source of their money etc. by producing different persons/witnesses.

In view of the above discussion, I do not find that FIR No.4 dated 01.01.2015 registered at Police Station Nakodar, District Jalandhar, is liable to be quashed.

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

February 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No