

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

CRM No.M-23999 of 2017 (O&M)

Date of Decision: July 17, 2017

Vinod Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ankur Bansal, Advocate,
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the FIR No.72 dated 23.04.2016 under Section 420 IPC (Sections 409, 419, 120-B IPC added later on) registered at Police Station Sadar, Nakodar as well as impugned order dated 10.01.2017 passed by learned trial Court, vide which final report under Section 173 Cr.P.C. filed by the Investigating Agency without obtaining prior sanction of prosecution of the petitioner under Section 197 Cr.P.C., was accepted and also the impugned order dated 14.03.2017 passed by learned trial Court.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan, as stated, has been presented under Sections 420, 409, 419 and 120-B IPC. The Hon'ble

Supreme Court in *Inspector of Police and another vs. Battenapatla Venkata Ratnam and another*, 2015(3) RCR (Criminal) 86, specifically held that sanction for prosecution is not required if accused-public servant is charged with offences under Sections 420, 467, 468, 477-A IPC and further held that indulgence of the officers in cheating, fabrication of records or misappropriation cannot be said to be in discharge of their official duty. Their official duty is not to fabricate records or permit evasion of payment of duty and cause loss to the Revenue.

In the present case also, the allegation is regarding conspiracy, cheating, embezzlement etc. of a huge amount. The present petitioner was posted as Senior Assistant in the Treasury Office, Nakodar whereas in the FIR, he has been alleged as Treasury Officer. As per the allegations in the FIR, the petitioner in connivance with other accused, embezzled the amount of ₹71,89,842/- by passing a forged bill in the name of Jatinder Kumar @ Rinku. After investigation, challan has already been presented by the police. The allegation of active participation of the present petitioner has been alleged. The allegation of criminal conspiracy is also there along with other offences. All these facts are to be determined by the trial Court on the basis of the evidence.

The argument of learned counsel for the petitioner that petitioner has only verified the bill and has seen whether the budget is available or not, has no merit at this stage. The role of the petitioner in the conspiracy is to be seen by the trial Court from the evidence. If the petitioner's duty was to verify the bill, then why he has not detected this forged bill of such a huge amount.

In view of the above discussion, in no way, it can be held that

registration of the FIR is abuse of process of law and amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed. However, nothing stated above will constitute my opinion on merits of the case.

July 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No