

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

**CRM No.M-35159 of 2013 (O&M)
Date of Decision: February 06, 2017**

Pankaj Garg and another

...Petitioners

VERSUS

State of U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aman Bansal, Advocate
for the petitioners.

Mr.J.S.Toor, Addl. Public Prosecutor
for the respondent-U.T. Chandigarh

Mr.A.D.S.Jattana, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.415 dated 26.07.2013 under Section 420 IPC registered at Police Station Mani Majra, Chandigarh and all the consequential proceedings arising thereof.

Notice of motion was issued. Learned Addl. Public Prosecutor for respondent-U.T. Chandigarh as well as learned counsel for respondent No.2 appeared and contested the petition.

At the time of arguments, learned counsel for the petitioners argued that even from the perusal of the FIR, no offence is made out and

therefore, the FIR in the present case, is liable to be quashed.

I have heard learned counsel for the parties as well as learned Addl. Public Prosecutor and have gone through the record.

From the record, I find that the FIR in the present case has been registered on the basis of the complaint made by complainant Daljit Singh against Pankaj Garg and Sunil Narula present petitioners. The main allegation in the present case is that the complainant is residing adjacent to a school and there was lot of noise of the car horns etc. and therefore, the complainant wanted to get fixed window panes and frames etc. with zero percent gap, so that no noise can be emitted from outside. It is further in the FIR that in February-March 2012, the complainant was contacted by company representative Pankaj Garg for UPVS Windows and Doors. An amount of ₹2,71,741/- had been paid in 2-3 installments. The material was sent by the company but at the time of delivery of the material, the complainant came to know that bill was showing ₹1,68,477/- instead of ₹2,70,000/- and therefore, the company evaded sales tax, income tax, octroi tax etc. It is also stated in the FIR that some of the material was China made and some was Germany made. The material of China made was sub-standard. It is further stated that window panes and frames were not properly fitted and when the company of present petitioners was contacted, they stated that they will repair the same and will not replace.

In view of these allegations made in the FIR, it is clear that no offence under Section 420 IPC is made out nor there is anything on the record that intention of the present petitioners from the very beginning was to cheat the complainant. It is a dispute regarding the articles purchased by the complainant from the accused i.e. present petitioners and as per version

which means that the dispute is of civil nature or at the most, the dispute is determinable by the Consumer Court. In no way, it can be held that any documents etc. were forged nor there is anything on the record to show that it amounts to commission of the offence under Section 420 IPC.

In view of the above discussion, I find that registration of the FIR in the present case is nothing but abuse of process of law and amounts to miscarriage of justice.

Therefore, finding merit in the present petition, the same is allowed. FIR No.415 dated 26.07.2013 under Section 420 IPC registered at Police Station Mani Majra, Chandigarh and all other subsequent proceedings arising therefrom, are hereby quashed.

February 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No