

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36255 of 2017

Date of decision:28.9.2017

Vinod Kumar

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Lakhwinder Singh, Advocate for Mr. Preetwinder Singh
Dhaliwal, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of case bearing FIR No.255 dated 7.9.2015 (Annexure-P.1) registered for the offences under Sections 420, 406, 120-B IPC and (Sections 465, 467, 468 and 471 IPC, which were added later on) and Sections 4 and 5 of the Prevention of Money Laundering Act, 2012 at Police Station City Barnala, District Barnala and all subsequent proceedings arising out of the same qua the present petitioner, on the basis of compromise dated 8.12.2016 (Annexure-P.2).

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

From the record, I find that earlier Criminal Misc. No.M-44201 of 2015 was filed by the present petitioner Vinod Kumar against State of

Punjab and others-respondents for quashing of FIR No.255 dated 7.9.2015 under Sections 420, 406, 467, 468, 471 and 120-B IPC and Sections 4 and 5 of the Prevention of Money Laundering Act, 2012 at Police Station City Barnala, District Barnala on the basis of compromise. This Court vide order dated 21.4.2016 held that though the statements of the parties have been recorded to the effect that the matter stands compromised between them, but keeping in view the magnitude of the investments made by the small investors, this Court is not inclined to accept the prayer made in the present petition and the learned counsel for the petitioner then withdrew the petition which was dismissed as withdrawn.

A perusal of the present petition shows that it is no where mentioned that this is second petition. A perusal of the petition further shows that there is no mention that earlier also any petition has been filed which shows that the petitioner is trying to play fraud upon the Court by concealing intentionally regarding the first petition wherein there is specific observation by this Court that the Court is not inclined to accept the same and then it was got dismissed as withdrawn. The misrepresentation to this Court and concealment of material fact amounts to playing fraud upon the Court. Therefore, the present petition is dismissed with costs of ₹50,000/-.

The petitioner is directed to deposit the costs with the Registry within one month, otherwise the Registry will recover the same as arrears of land revenue.

September 28, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No