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

CRM-M-8555 of 2013 (O&M)
Date of decision: March 23, 2017

Dinesh Katiyar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. G.S. Punia, Senior Advocate with
Mr. A.S. Gulati, Advocate for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith with the consent of learned counsel
for the rival parties.

In FIR No.53 dated 10.04.2011, under Sections 420, 465,
467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC'),
registered at Police Station Chhajli, District Sangrur, the petitioner
seeks quashing of the said FIR.

I have perused the reply by way of affidavit of Sewa
Singh, P.P.S., Deputy Superintendent of Police, Sub Division, Dirba,
District Sangrur, already on record. The grievance in the present
petition is that on selfsame occurrence, FIR was initially lodged as FIR
No.548 dated 10.07.2010, under Sections 420, 467, 468, 471 of IPC,
registered at Police Station Kasna, District Gautam Budh Nagar, U.P.
and thereafter, another FIR in question, i.e. FIR No.53 dated

10.04.2011, under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Chhajli, District Sangrur was also lodged. The State has filed reply by way of affidavit as stated above. The following portion is quoted which read thus:-

“It is pertinent to mention that as per the allegations mentioned by the petitioner in the present petition only, necessary verification was made from the police of P.S. Kasna as to whether FIR No.548 dated 10.7.2010, u/s 420/467/468/471 IPC, P.S. Kasna had been registered on the same allegations against the petitioner and co-accused and as per the report furnished by the police of P.S. Kasna dated 26.5.2013, the said FIR has been found registered at the instance of Rajinder Singh Dhindsa son of Manjit Kaur (complainant in FIR No.53 dated 10.04.2011) wife of Karnal Singh against the present petitioner namely, Dinesh Katiyar, Sunder Dass Kapoor, Amit Shukla and Kulvir Thakur, which is pending trial in the Court at Surajpur as per the information supplied by the police of P.S. Kasna dated 26.5.2013.

On the receipt of said information regarding FIR No.548 dated 10.7.2010 already registered against the present petitioner at P.S. Kasna, District Gautam Budh Nagar, U.P. at the instance of Rajinder Singh son of Manjit Kaur complainant of the present case FIR No.53 dated 10.4.2011, the matter was got legally examined and the Deputy District Attorney (Legal), Sangrur opined that the cases are pending adjudication before the Ld. Trial Court as well as in the Hon'ble High Court and as such the petitioner can pursue his case in the Ld. Court(s).”

It is clear from the above reply by way of affidavit that

first FIR was registered with the Police Station Kasna and another has

been registered by different person. Lodgment of FIRs by different persons would not make no difference since occurrence is one and the same. In that view of the matter, FIR No.548 dated 10.07.2010, under Sections 420, 467, 468, 471 of IPC, registered at Police Station Kasna, District Gautam Budh Nagar, U.P. to proceed further, but FIR No.53 dated 10.04.2011, under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Chhajli, District Sangrur would have to be quashed. In that view of the matter, I make the following order:-

ORDER

- (i) CRM-M-8555 of 2013 is allowed;
- (ii) FIR No.53 dated 10.04.2011, under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Chhajli, District Sangrur and consequent proceedings, is quashed for the lodgment of multiple FIRs.

(A.B. CHAUDHARI)
JUDGE

March 23, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No