

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-888 of 2017

.....

Date of decision:16.1.2017

Tony Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

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**Inderjit Singh, J.**

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.151 dated 31.12.2015 (Annexure-P.2) registered for the offence under Section 420 IPC at Police Station City Fazilka, District Fazilka and all subsequent proceedings arising therefrom, because the petitioner has already discharged his liability vide settlement/ panchayatnama/affidavit (Annexure-P.1) and given his Bolero car along with one post-dated cheque as security, but on the other hand respondent No.2 has usurped the Bolero car of the petitioner and also misused the cheque against him. Moreover, the FIR in question has been registered by respondent No.2 by backtracking from the settlement.

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

From the record, I find that the FIR in the present case has been got registered against the present petitioner Tony Kumar by Malkiat Singh-

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respondent No.2. As per the allegations, Tony Kumar helped the petitioner in getting bank loan sanctioned and the complainant handed over blank papers to the present petitioner. At the time of sanctioning of the loan, the petitioner took the ATM card and PIN No., and thereafter had withdrawn the amounts from the complainant's account many times.

Learned counsel for the petitioner argued that a settlement has taken place in the Gram Area Panchayat and he relied upon the affidavit (Annexure-P.1) filed by him. No compromise deed has been placed on record. It is only an affidavit of the present petitioner. Secondly, there is no document except this affidavit to show that any car etc. was given to the complainant. Even as per the arguments addressed before this Court by the learned counsel for the petitioner, the cheque, which was given at the time of settlement, has already been dishonoured. In no way, a perusal of the record and the FIR shows that no offence is made out against the petitioner. Rather, the challan has already been presented after completion of the investigation and the trial Court has already framed the charges and has taken the cognizance and the case is fixed for examination of the witnesses. At this stage, there is nothing on the record to show that registration of this FIR amounts to abuse of process of law or amounts to miscarriage of justice.

Therefore, I do not find any ground for quashing of the above FIR. Hence, finding no merit in the present petition, the same is dismissed.

January 16, 2017.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |