

242**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-11283-2017 (O&M)
Date of decision: 28.09.2018****Ashok Kumar and another****..... Petitioners****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN****Present: Mr. Jaswinder Singh, Advocate
for the petitioners****Mr. Arjun Singh Yadav, AAG, Haryana.
*******RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 550 dated 28.11.2014 under Sections 379, 411 of the IPC at Police Station Sector 5, Panchkula, District Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioners being gross misuse and abuse of process of law.

According to the prosecution, the petitioners had kept certain stolen articles like computers, six ACs, LCDs, etc. behind the showrooms at Sector 8, Panchkula for sale. On interrogation, the petitioners could not prove their ownership over the said articles which necessitated the police to register FIR.

Learned counsel for the petitioners contends that as per the agreement (Annexure P-2), the petitioners are owners of the alleged stolen articles entrusted to them by one Vibhor Batra in lieu of their pending salary from him. Till date no person has come forward to claim ownership of

the said stolen articles which, in itself, is sufficient to show that the petitioners have not committed any crime, rather have stocked their own articles, behind the showrooms at Sector 8, Panchkula

As per reply dated 23.05.2018 filed by Rajender Kumar Meena, IPC, Deputy Commissioner of Police, Panchkula, departmental inquiry has been initiated against Sanjiv Kumar, Head Constable for lodging FIR. Report under Section 173 Cr.P.C. has been filed against the petitioners simply because the authenticity of alleged agreement in favour of the petitioners could not be verified as whereabouts of executant Vibhor Batra are unknown.

In view of the totality of the facts and circumstances of the case, since as on date none has come forward to claim ownership of the alleged stolen articles and the petitioners claim their ownership over the same by virtue of agreement (Annexure P-2) executed by Vibhor Batra in lieu of their arrears of salary from him, the impugned FIR is liable to be quashed.

Accordingly, this petition is allowed and FIR No. 550 dated 28.11.2014 along with all consequential proceedings is quashed qua the petitioners only.

28th September, 2018

shabha

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No