

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

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**CRM-M-12969-2016 (O&M)
Date of Decision : 21.05.2018**

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr.Ramesh Malik, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner has prayed for quashing of FIR No. 482 dated 05.09.2013 under Section 170 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar, Haryana (Annexure P-1) and also consequent proceedings.

2. Learned counsel for the petitioner submitted that petitioner was in the cadre of Inspector in the Tele-communication of the section of Police Department. He has been assigned duty relating to verification of instruments like wireless set and other things relating to tele-communication provided to the police officials by the department. In this regard, on 01.08.2013, he is stated to have on checking in Police Station Sadar, Yamuna Nagar. After inspection of the equipment he is required to make necessary note to that extent he has made note "*I carried surprise checking computer Op found on duty and Pardeep 192/YNR, ASI Sukh Pal Singh No.*

654/C found present on duty. All equipment found ok.” Just below the aforesaid statement he has signed and attested the note by putting his signature instead of disclosing that he is in the Inspector cadre wrongly, he had mentioned DPS, Tele Com. On this trivial issue police department proceed to register FIR No. 482 dated 05.09.2013 under Section 170 of IPC. At the same time, before filing FIR on 23.08.2013 petitioner had been warned by the Superintendent of Police, Telecom Haryana, Panchkula (Annexure P-2) on the same allegation. Analysis of the factual aspects of the case read with allegation. It is too trivial matter where the competent authority has proceeded to launch criminal proceedings against the petitioner by filing FIR under Section 170 IPC. The trivial issue is only to the extent that he has mentioned his designation as DSP instead of Inspector whereas belt No. what has been assigned is mentioned. Therefore, there is no serious lapse on the part of the petitioner so as to file FIR against the petitioner. The above said error was occurred due to the reason that his son met with accident on that day and he received information regarding admission of his son in Aggarwal Hospital at the time of Inspection. Due to such disturbance in mind he could not verify the designation written underneath the signature. Moreover, he has been warned to be careful in future by the department. Continuation of second proceeding would be double jeopardize and prayed for quashing of FIR.

3. While resisting the contention of the petitioner, learned State counsel submitted that the petitioner is a member of disciplined force and he must be aware of the law and impersonation is an offence. Moreover, the allegations are based on written material. Therefore, petitioner is not entitled any relief under the provision of Section 482 of Cr.P.C.

4. Heard the learned counsel for the parties.

5. What the offence provide:

“170. Personating a public servant.—Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

As the petitioner is posted as Inspector i.e. just below the rank of Deputy Superintendent of Police and further, he did not draw any benefit by writing his designation as DSP, the documents on which it is written is for official purpose and under his authority and the fact that he has been warned by his higher authority in departmental proceedings, so in view of these factual aspects it appears that the mistake on the part of petitioner is clerical and not attracted any offence, therefore, FIR 482 dated 05.09.2013 under Section 170 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar, Haryana (Annexure P-1) along with subsequent proceeding arising out of this FIR are quashed. Petition stands allowed.

21.05.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>

