

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

(1) **CRM-M-15537-2015**
Date of decision:-25.4.2018

Abhishek Gupta
...Petitioner

Versus

State of Punjab and another
...Respondents

(2) **CRM-M-36321-2015**

Sidharth Kumar Singh and another
...Petitioners

Versus

State of Punjab and another
...Respondents

(3) **CRM-M-28942-2016**

Ajay Yadav
...Petitioner

Versus

State of Punjab and another
...Respondents

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Argued by :Mr.D.D. Singla, Advocate
for the petitioner in **CRM-M-15537-2015.**

Mr.Naveen Batra, Advocate
for the petitioners in **CRM-M-36321-2015** and
CRM-M-28942-2016.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

Vide this order, I propose to dispose of three petitions i.e.

CRM-M-15537-2015 filed by petitioner - Abhishek Gupta, **CRM-M-36321-2015** filed by petitioners - Sidharth Kumar Singh and Zameeruddin Khan and **CRM-M-28942-2016** filed by petitioner – Ajay Yadav, seeking quashing of FIR No.19 dated 20.2.2014, under Sections 420, 463, 465, 468, 471, 506, 120-B IPC, registered at Police Station Nathana, District Bathinda along with all consequential proceedings thereof. In addition to that transfer of proceedings from Bathinda to Delhi has been sought in **CRM-M-15537-2015**.

Notice of the petitions was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Admittedly, after registration of the FIR, the accused including the petitioners had been challaned and charge had been framed against them and trial is going on. Merely because they are not named in the FIR does not mean that they have not committed any offence. Furthermore, FIR is not a substantive piece of evidence and its only purpose is to set the criminal machinery in motion. It is only during investigation after registration of the FIR that the investigating agency probe the matter and find out as to whether any cognizable offence is disclosed against the accused. In this case in supplementary statement of complainant - Khushveer Jindal, names of petitioners are specifically mentioned extending help in committing forgery, therefore, part of conspiracy to commit the offences. There is nothing on record to show that the registration of FIR is an abuse of process of law. There is no reason to quash the FIR in question and other proceedings. The guilt of

the accused shall be determined during the trial. Further no ground is made out for transferring the proceedings from Bathinda to Delhi.

Finding no merits in the petitions, the same stand dismissed.

25.4.2018

Brij

**(H.S.MADAAN)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No