

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

CRM-M No.16660 of 2018

Date of Decision: April 26, 2018

Tejbir Rathi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Munish Behl, Advocate for the Petitioner.

SUDIP AHLUWALIA, J.

In this petition, the petitioner seeks quashing of F.I.R. No.769, dated 15.06.2014, under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Panipat City, District Panipat.

2. During the course of submissions, it has transpired that the matter is already pending trial and prosecution witnesses are being examined.

3. The F.I.R. was lodged against the petitioner on the allegation that he got himself admitted for a particular Course which happens to be “OT Admission in DIET Biswan Meel, District Sonapat” in the year 1994 on the basis of a forged Certificate to the effect that he was a member of the

Scheduled Castes, inspite of actually belonging to the Jat Community under the General Quota, and that on the basis of the forged Certificate, he even claimed his stipend illegally from the Scheduled Caste Quota, and subsequently also joined his Department on 09.07.1998, even before completing the Course in 1999, and also furnished a forged Affidavit to apply for an Electrical Meter on acquired land even after an F.I.R. by the Estate Officer on the allegations of unauthorized occupation had already been lodged. The proceedings are sought to be quashed principally on the following grounds -

- (i) That cognizance could not have been taken by virtue of the bar of limitation under Section 468 of the Code of Criminal Procedure, inasmuch as the offences attributed to the petitioner were committed way back in 1994 to 1998;
- (ii) That the complainant happens to be only a neighbour of the petitioner and has no *locus standi* to lodge an F.I.R., since his own employer/Department has not chosen to take any steps in this regard; and,
- (iii) That the F.I.R. is palpably motivated and malicious inasmuch as the personal character of the complainant, who himself is facing various criminal proceedings, is not above board.

4. On considering the aforesaid grounds, this Court finds no reason to interfere with the pending trial at this stage. The offence under Section 420 of the IPC is punishable with imprisonment for a period which may extend

to seven years. Consequently, reliance of the Petitioner on Section 468(2)(c) of the Code of Criminal Procedure regarding the bar to taking of cognizance beyond three years is misconceived, since the relevant aforesaid provision only covers those offences for which the punishment prescribed is for a term “exceeding one year but not exceeding three years”. As such, there is no restriction against taking cognizance in the present case, since the offence u/s 420 IPC is punishable for a term well in excess of three years. Similarly, it may be observed that for setting the Criminal Law into motion in respect of cognizable offences, there is no requirement that the complainant must have to be the victim himself or a person directly affected by commission of the concerned offence(s). Of course, *locus standi* of a complainant who is not directly affected by the offences may be considered as one of the factors to determine whether or not there is any actual truth in the allegations made by him, but his version of the offences cannot be rejected or discarded outright simply on the ground that the alleged acts of the accused did not concern the complainant in any manner, because truth of the allegations can only be determined after considering the available evidence coming forth before the Court.

5. For the same reasons, the personal character Profile of the complainant or his own involvement in any criminal proceedings cannot be an automatic ground to consider the allegations made by him in the FIR as being false at the very outset.

6. In the present case, the FIR was lodged almost four years ago on 15.6.2014 and by now the trial is reported to have reached an advanced

stage. Consequently, this Court finds no justification to intervene at this late stage, since the FIR *per se* does not disclose any visible legal infirmity which would render it unsustainable.

Dismissed.

(SUDIP AHLUWALIA)
JUDGE

April 26, 2018
AS

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No