

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

CRM-M-2449-2018

Date of decision:-22.1.2018

Arshad

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present : Mr.Sarfraj Hussain, Advocate
for the petitioner.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.479 dated 27.12.2017, under Sections 420, 467, 468, 471 IPC, registered at Police Station Punhana, District Nuh along with all subsequent proceedings has been filed by petitioner Arshad, an accused in the said FIR.

The FIR in question was registered on the basis of a written complaint submitted by SDO (N), Punhana addressed to SHO, Punhana against Arshad, Sarpanch, Gram Panchayat, Dondal, Police Station Punhana for withdrawing hefty amount from the bank account of Panchayat by forging signatures of the applicant. *Inter alia*, it is alleged that a complaint was received from Mohd.Hasim son of Sh.Jamil

Ahmed, resident of village Dondal to the effect that Arshad, Sarpanch, Gram Panchayat, Dondal had withdrawn heavy amounts by affixing forged signatures, from the Panchayat account and has committed cheating also. Along with that other documents were also enclosed.

Learned counsel for the petitioner submits that allegations in the FIR are wrong and Farid, Shahib and Sahida, members of Gram Panchayat have given in writing that complaint is totally false and whatever amount has been withdrawn from the account of Panchayat that was for the development work and has been so done as per rules by completing the quorum. Therefore, the FIR being an abuse of process of law be quashed.

After hearing the learned counsel for the petitioner and going through the record, I find that no ground for quashing of the FIR is made out. There are specific allegations in the FIR that accused by committing forgery of signatures of applicant – Mohammad Hasim had withdrawn heavy amount from the bank account of Panchayat. Therefore, it cannot be said that the FIR does not disclose any offence. The FIR can certainly be not termed as an abuse of process of law. Furthermore, the only purpose of recording of FIR is to set the criminal machinery into motion. It is only during the investigation, details of the incident/scam, the person(s) involved therein, the manner thereof can be found out. During the investigation, the accused can produce the record before the Investigating Officer and cause appearance of other members of the Panchayat to show that allegations in the FIR are wrong and that he has not committed any offence but at this stage, I do not find any ground to quash the FIR by allowing the petition.

The petition being without merit stands dismissed accordingly.

22.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No