

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

CRM No.M-32590 of 2018 (O&M)

Date of Decision: August 01, 2018

Hansraj Janni

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Kundu, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.09 dated 27.10.2017 under Sections 120-B, 409, 420, 467, 471 IPC and Section 13 of the Prevention of Corruption Act along with consequential proceedings arising therefrom.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that FIR in the present case has been registered after enquiry on the basis of complaint of Balbir Singh, Advocate. Present petitioner Hansraj Janni, Ex-Director, Prosecution Haryana, was posted as L.R. in the head office of H.V.P.N.L, Panchkula. It is the complaint that accused defrauded the department by making false bills of ₹14,55,580/- towards the counsel fee and other expenses. These bills were

for all the divisions of Haryana, whereas, no private Advocate for filing the

appeals was engaged by the department, rather, the appeals before the State Commission were filed by Law Officer, IPS Sahni. Typing and Photostat work etc. was done by office itself at Sub Division level.

The perusal of the record shows that report under Section 173 Cr.P.C. has not been filed before the Court and investigation is still going on. Learned counsel for the petitioner argued that on one point, in the departmental enquiry, present petitioner has been exonerated.

The FIR was registered after the enquiry. At this stage, as the investigation is still going on and the Investigating Officer is collecting the evidence and final report has not been filed so far, therefore, FIR cannot be quashed on the basis of departmental enquiry. Furthermore, in the quashing petition, this Court cannot give the finding of fact regarding innocence of the accused. It is firstly the prerogative of the Investigating Officer, who is collecting evidence that whether the petitioner is innocent or not and then, if challan is filed, it is for the trial Court to decide on the basis of the evidence regarding the innocence of the accused. At this stage, in no way, it can be held that registration of the FIR is abuse of process of law or amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

August 01, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No