

243
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/12/2018 15:49
I attest to the accuracy and
authenticity of this document

Date of decision : 10.12.2018

CRM-M-35521-2016 (O/M)

Rahul Bansal

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CRM-M-40679-2016 (O/M)

Sarjang Bansal and another

..... Petitioner (s)

Versus

State of Punjab and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.S. Malwai, Advocate,
for petitioner in CRM-M-33521-2016.

None for petitioners in CRM-M-40679-2016.

Mr. Karanbir Singh, AAG Punjab.

Mr. Deepak Arora, Advocate,
for respondent No. 2 in CRM-M-33521-2016 and
in CRM-M-40679-2016.

Mr. Anupam Singla, Advocate,
for respondent No. 5 in CRM-M-33521-2016.

-.-

-.-

KULDIP SINGH, J. (ORAL)

By this judgment, I shall dispose of two connected abovenoted petitions, one filed by Sarjang Bansal and Raj Rani and other filed by Rahul Bansal, seeking quashing of FIR No. 59, dated 14.3.2014, registered under Sections 420, 467, 468, 471, 120-B IPC, at Police Station City, Barnala, and all consequential proceedings arising therefrom.

I have heard learned counsel for parties and have also carefully gone through file.

Perusal of FIR in question shows that Tarun Bansal made a

complaint to police that he is a Secretary of M/s Devta Rice Gram Udyog Samiti, Barnala. One rice sheller of this Samiti was given to Rahul Bansal, Sarjang Bansal and Raj Rani. Said three accused have misappropriated paddy stored in sheller, amounting to Rs. 1,20,00,000/-. He filed a complaint dated 12.10.2012 and another complaint on 9.11.2012 before police authorities, which were forwarded for inquiry into matter. In order to cheat complainant and to pressurize him, accused entered into a conspiracy, in which Sarjang Bansal was sent out of station. Thereafter, his mother Raj Rani made a complaint to police that Sarjang Bansal is missing. A suicide note was also given to police. However, Sarjang Bansal surfaced and was found living with his family. It was further alleged that surety bond given by complainant was forged. The police got inquiry conducted from DSP and thereafter lodged FIR in question.

It is not denying fact in this case that challan has been presented in Court and charges have been framed against two accused, namely, Sarjang Bansal and Raj Rani. Now, they have filed revision against order framing charge.

The learned counsel for petitioner Mr. Malwai contends that in earlier petition, accused undertook to deposit Rs. 63,00,000/- received from paddy. He did not deposit it and petition was withdrawn. He has contended that allegations are false. The procurement agency (respondent No. 5) did not make any complaint. However, on behalf of procurement agency (respondent No. 5), embezzlement has been affirmed and it was stated that they already initiated arbitration proceedings.

After going through file, I am of view that complainant being Secretary of M/s Devta Rice Gram Udyog Samiti, Barnal, lodged FIR in

question, which he could do. Police conducted investigation and submitted final report before Court. From its face, it cannot be said that FIR in question is misuse of process of law. Allegations of cheating and forgery have been levelled and during investigation, these were found to be correct and consequently, petitioners have been challaned. It being so, there is no ground to quash FIR in question. Petition is dismissed.

(KULDIP SINGH)
JUDGE

10.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No